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VOLUME XIII

CONSTITUTIONAL SERIES

VOLUME I

ILLINOIS CONSTITUTIONS

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COLLECTIONS OF THE ILLINOIS STATE HISTORICAL LIBRARY
VOLUME XIII

CONSTITUTIONAL SERIES, VOLUME I

ILLINOIS CONSTITUTIONS

EDITED BY
EMIL JOSEPH VERLIE
LEGISLATIVE REFERENCE BUREAU OF ILLINOIS

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PREFACE

The more important acts of congress relating to the government of the territory now comprising the state of Illinois and the organic or fundamental laws adopted by the state after its admission to the union have never been published in one compact volume. In view of the fact that the people of the state of Illinois, on November 5, 1918, cast their votes in favor of calling a constitutional convention, it seems desirable that such a volume should be published. The purpose of this publication is to make the acts of congress providing for the government of the territory now embraced within the state of Illinois, the Ordinance of 1818, and the three state constitutions more accessible to those who wish to acquaint themselves with the provisions of these documents. This volume, however, does not contain all the acts of congress relating to the government of the territory now constituting the state of Illinois. Only the more important of these acts are reprinted.

The acts of congress as they appear in this volume have not been compared with the original instruments. A comparison has been made, however, with the acts as they appear in the official compilations of the statutes of the United States. The original manuscripts of the Ordinance of August 26, 1818, and the three Illinois constitutions are on file in the office of the secretary of state and the texts of these documents as they appear in this volume have been compared with the original manuscripts. The amendments to the Constitution of 1870 have also been compared with the official texts on file in the office of the secretary of state.

Many of the provisions of the constitutions of 1818, 1848, and 1870 have been construed and applied by the supreme court of this state. It seems desirable that the decisions of the supreme court interpreting the provisions of the three state constitutions should be noted. Each of the three constitutions is divided into articles and sections. Under each section as it appears in this compilation there are set forth the supreme court decisions which construe or apply that provision. No attempt is made, however, to list all the decisions of the supreme court bearing on constitutional questions. Only those cases which are deemed leading cases in the construction and application of the provisions of the three state constitutions are cited. In making the annotation of cases volumes 1 to 281, inclusive, of the Illinois supreme court *Reports* have been consulted.

A full and complete index to the Constitution of 1870 has been prepared. It has not been deemed necessary, however, to index the constitutions of 1818 and 1848, since the table of contents will serve for that purpose. Obviously, the present constitution will be consulted more frequently than the two preceding constitutions.

A brief account of the constitutional history of Illinois has been added for the convenience of the reader. For assistance in this work I wish to express my indebtedness to the editor-in-chief, Clarence W. Alvord, and his assistants, Miss Ruth E. Hodsdon, Miss Leila O. White, and Miss Margaret Doherty.

In the preparation of this volume I have received many valuable suggestions from Major W. F. Dodd, Secretary of the Legislative Reference Bureau.

EMIL JOSEPH VERLIE

SPRINGFIELD, ILLINOIS
January, 1919

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HISTORY OF THE CONSTITUTIONS

Special Introduction

THE CONSTITUTIONS OF ILLINOIS

When in ~~1611~~ 1784 the state of Virginia ceded to the United States title in the County of Illinois, claimed by right of colonial charter as well as by conquest and possession, she turned over to the young nation no inchoate wilderness but a region which had been known for nearly a hundred years and which had, for almost as long, had a definite government as a part first of the French and then of the British empire. After her brief period of sovereignty, then, Virginia found it necessary, in ceding her claims to the federal government,[1] to specify the condition "that the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties."[2] Thus was the past given its claim on the government of the region which was one day to become the state of Illinois.

It was some little time before the United States undertook the formal organization of the country of the Illinois and the rest of the territory which constituted the national domain. Finally, on July 13, 1787, only shortly before the substitution of the United States constitution for the Articles of Confederation and Perpetual Union, congress passed an ordinance "for the government of the territory

[1] For a full discussion of Virginia's claim and cession, see Burke A. Hinsdale, *The Old Northwest* (New York, 1888), ch. 11, 12, 13.

[2] Francis N. Thorpe (ed.), *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States, Territories, and Colonies now or heretofore forming the United States of America*, 7 v. (Washington, 1909), 2:956.

of the United States northwest of the river Ohio."[3] This act, upon which was based the whole system of American territorial organization, placed the government of the territory for the time being in the hands of a governor, a secretary, and three judges, all to be appointed by congress. All civil officers and all militia officers below the rank of general officers were to be appointed by the governor. The governor and judges acting together in legislative capacity were empowered to adopt such laws from the codes of the original states as they considered useful for the territory. As soon as there were as many as "five thousand free male inhabitants, of full age, in the district," however, this arrangement was to give way to one allowing the people of the territory to participate in the government; the governor was to be assisted by a legislature made up of representatives elected by the freeholders and a council of five members selected by congress from ten nominated by the territorial house of representatives. This legislature was empowered to make laws not repugnant to the ordinance, subject to the governor's absolute veto; and to elect, by joint ballot, a delegate to congress, with power to speak but not to vote.

One provision of the ordinance proved a serious bone of contention in the Illinois country: the famous "sixth article" decreeing that "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted." This was in direct conflict with the confirmation in their "possessions and titles" guaranteed by the Virginia Act of Cession to the inhabitants of the Illinois country, for many of them owned Negro slaves; accordingly the clause in the ordinance was interpreted to apply only to the future introduction of slaves.

The government provided for by the ordinance was set in operation in 1788, with its seat at Marietta. Two years

[3] *Post*, p. 1.

later the Illinois country was given local organization: the eastern half of the present state was included as part of "Knox county," with its seat at Vincennes; the rest was formed into St. Clair county. Later, in 1795, this county was divided and the southern part was organized as Randolph county.

By 1798 the "Northwest Territory" had the 5,000 free male inhabitants necessary to meet the requirement of the ordinance, and accordingly passed into the second grade of government, with a partially representative legislature and a delegate to congress. Almost immediately agitation began for a division of the enormous region comprising the territory, with the result that on May 7, 1800, congress detached the western part (approximately the modern states of Indiana, Illinois, Wisconsin, and the western half of Michigan) and constituted it Indiana territory, with its capital at Vincennes, and its government practically a replica of that formulated by the Ordinance of 1787.[4]

By this time, naturally, there had developed much more political activity among the settlers than had been the case in the early days. Scarcely had Indiana territory started on its separate career than a faction of Illinois men, hostile to the governor and in favor of the repeal of the slavery prohibition, began to urge advance to the second grade in order to reduce the power of the governor and to secure a delegate to congress to press the issue of slavery.[5] Although Governor Harrison and his supporters exerted themselves promptly and effectually to suppress this movement, they, too, desired the removal of the slavery prohibition and presently resolved to take their chance with a legislature of wider powers such as could only be established with the transition to second grade. Though the other faction reversed its position and opposed the change,

[4] *Post*, p. 9.

[5] For a full discussion of this movement see Solon J. Buck, *Illinois in 1818* (2nd. ed., Chicago, 1918), 184 ff.

the returns of the election on September 11, 1804—held on very short notice and therefore alleged to be a snap vote—gave a very substantial majority in favor of the change.

The new legislature fulfilled the hopes of the governor's faction by passing in 1803 an indenture act which coasted dangerously near, if it did not quite transgress, the irksome "sixth article." But the Illinois faction still was not content; its members wanted nothing less than definite repeal of the article, and they wanted to get more political control into their own hands. Accordingly they began a persistent campaign for the separation of the Illinois country and for the repeal or temporary suspense of the slavery prohibition, which they protested was seriously hampering the process of settlement. At length they succeeded in electing a delegate to congress who was able to secure the passage of an act—on February 9, 1809—constituting Illinois a separate territory, with its western boundary the Mississippi river, its eastern "the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes due north, to the territorial line between the United States and Canada."[6]

According to the usual practice, the Ordinance of 1787 was followed closely in prescribing the government of the new territory: authority was vested in a governor and three judges until such time as the governor was convinced a majority of the freeholders desired to advance to second grade, when he was empowered to make the change without further ado. In April, 1812, an election indicated that Illinois was ready to take this step; but Governor Edwards wisely delayed effecting the change until he had secured the passage of a law by congress extending the suffrage from freeholders to all free white males of twenty-one years who paid any county or territorial tax and who had had a year's residence in the territory,[7] and providing that

[6] *Post*, p. 12.

[7] This gave the right to vote to a large number of "squatters" who had settled on lands not yet surveyed for sale.

the five councilors should be elected instead of appointed and that the delegate to congress also should be elected by the people, instead of by the legislature. Thanks to these radical changes, when on September 14, 1812, Governor Edwards called for the first election to set in operation the second-grade territorial government, Illinois could boast of having the most democratic form of government of any territory in the United States at the time.

Nevertheless, there was still a feeling of resentment against the governor's absolute veto over the acts of the legislature as well as against his appointive power and other checks on the popular will. Repeated appeals to congress for redress bringing no results, it appeared that advance to statehood was the only way out of the "despotism" of territorial government, and leaders watched hopefully the mounting numbers of immigrants. In November, 1817, definite agitation for Illinois' immediate admission to statehood was set on foot; and so expeditiously was the matter pressed that on January 23, 1818, the Illinois delegate laid before congress a memorial from the legislature of the territory asking that it be authorized to take the necessary steps preparatory to statehood; at the same time he introduced an enabling bill.[8] Congress did not take up the matter until April 4; in less than two weeks, however, the two houses reached an agreement on the final provisions, and the president signed the act on April 18, 1818.

Following out these provisions, the voters of the territory elected delegates to a constitutional convention; and on August 3, 1818, there assembled at Kaskaskia the body which was to draw up the first organic law of the state of Illinois. Basing its work largely on the constitutions of New York, Kentucky, and Ohio, the drafting committee of the convention framed a brief instrument consisting of a preamble and eight articles, and after spending only

[8] Buck, *Illinois in 1818*, p. 208 ff.

twelve days discussing and modifying it the convention adopted it and adjourned on August 26.

The convention's work was not submitted to the voters for ratification but became operative with congress' admission of Illinois to statehood on December 3, 1818. The government it formulated observed the traditional American principle of distribution of power among three departments, legislative, executive, and judicial. The legislature was to be a bicameral assembly and to hold biennial sessions; the executive power was vested in a governor. The judiciary was to consist of a supreme court and such lower courts as the legislature might establish; all judges and justices were to be appointed by joint ballot of the legislature. Instead of giving the governor a veto power as a check on the legislature, the constitution provided for a council of revision, which was to consist of "the judges of the supreme court or a major part of them together with the governor" having power to revise all bills and return those of which it disapproved, together with its objections, to the house where they originated. A wide suffrage was provided, all male inhabitants above twenty-one years of age whether citizens or aliens, being qualified to vote after six months' residence in the state.

The framing of the article dealing with slavery produced more discussion that any other, for the convention was between two fires: on one hand was the necessity of avoiding conflict with the Ordinance of 1787 prohibiting slavery and involuntary servitude; on the other, disinclination to interfere with the property rights of those who owned slaves or who held indentured servants under the "evasive" territorial law of 1803. The clause as finally adopted was designed to eliminate all forms of slavery and indenture gradually and so passed congress; but once Illinois had come into full statehood the proslavery elements began to nourish the hope of opening the door wide to slavery by a constitutional amendment.

The Constitution of 1818 made such a procedure none

too easy. The vote of two-thirds of all the members elected to the general assembly was necessary to recommend to the voters the calling of a convention, and a majority of the electors must then vote in favor of the step before the legislature could proceed to order an election of delegates; if a convention was called, its work had to be ratified by popular vote before going into effect. After a bitter struggle between the slavery and antislavery factions, the general assembly in 1824 voted to give the voters a chance to express themselves on the subject of a convention, but popular sentiment failed to follow this lead; and on August 24, 1824, the people voted to leave the constitution untouched.

During the next twenty years, however, the state expanded so rapidly in population and in interests that the first simple constitution was hopelessly outgrown, and the need of a revision became too obvious to be ignored. After an abortive effort in 1842 to have a convention called, the assembly laid the matter before the voters in 1846, and this time public opinion was overwhelmingly in favor of the move. The convention met in June, 1847, and spent nearly three months devising a new instrument; the following March its work was ratified by a large majority of the voters; and on April 1, 1848, it became operative.[9]

Broadly speaking, the trend of the changes made was in the direction of curtailing the powers of the legislature and enlarging those of the people. All state and county officers were now made elective, as were also the judges of the supreme court, who no longer served for life, but only for a stated term; further, the number of judges was fixed at three, this as a protest against the legislature's abuses of its appointive power for partisan purposes.[10]

[9] *Post*, p. 51, n. 1; also John Moses, *Illinois, Historical and Statistical*, 2 v. (Chicago, 1892), 2:553 ff.

[10] In 1841, when the democrats were in control of the legislature, three of the four justices of the supreme court were whigs; the general assembly therefore made use of its power to increase the number of justices by appointing five new judges, all democrats.

The number of representatives and state officers was reduced, and the sessions of the assembly were practically limited to forty-two days by a provision for cutting the pay of the members in half after that length of time.

Unrestrained by the constitution framed in the pioneer days of 1818 the legislatures of the twenties and thirties had brought the state to the verge of bankruptcy by creating and giving credit to a succession of unsound state banks and by embarking recklessly on a scheme of internal improvements. On a grandiose scale the state had undertaken to equip the state with railroads and to give it a water connection from the Great Lakes to the Gulf of Mexico. The Illinois-Michigan canal finally surmounted a long series of tribulations and achieved some measure of the success of which its creators had dreamed; but the railroad scheme proved a disastrous fiasco. The state debt was piled so high it seemed it never could be paid off, and state credit was very seriously impaired. So hopeless did the situation seem that there were suggestions of repudiating the whole debt, but such a course was for the time being averted in 1842 under the leadership of Governor Ford.

Naturally, public opinion desired particularly that the convention of 1848 should make such disasters impossible in the future, and its expectations were fully met. The legislature henceforth could not contract debts for the state in excess of $50,000, unless the voters ratified a specific law to that effect; and it was forbidden to grant the state's credit in aid of any corporation or association. It was also forbidden to extend the charter of any state bank or other bank then existing, and any law passed by it in regard to the incorporation of banks had to be ratified by the voters before it could become effective.

Not even in the matter of official salaries was the convention willing to trust the general assembly; instead it fixed the salaries of all state officers and judges in the constitution. To make it a matter of fundamental law

that the governor should receive an annual salary of $1,500, the supreme court judges $1,200, the state auditor $1,000, and the secretary of state and state treasurer each $800, was obviously absurd; even in those days of small things such sums were parsimonious, and in any case, no matter how great the need for economy, it was hazardous to make so inflexible the compensation of the officers of a rapidly growing commonwealth.

In contradiction to the democratic nature of most of the changes made the new constitution restricted the existing franchise, requiring citizenship and a year's residence instead of merely the six months' residence stipulated in the old constitution. This of course meant the disfranchisement of alien inhabitants and met with great opposition on the part of the foreign elements in the state, particularly the Germans.[11]

The desire for effective government prevailed over the old-time fear of a strong executive in so far as to do away with the cumbersome council of revision and to substitute in its stead a limited veto power for the governor. Amendment to the constitution, further, was made somewhat easier; under certain restrictions the general assembly might propose changes directly instead of calling a convention for the purpose, but such changes could not become effective until approved by the voters.

One of the most significant changes was in the system of local government. The early settlers of the state had come from the south where the county was the unit of local government and where there was no township organization. The new settlers from the northern states, however, were accustomed to some form of township government, and it was at their instigation that a provision was inserted in the new constitution directing the general assembly to enact a general law authorizing any county whose voters favored it to adopt the township system.

[11] *Centennial History of Illinois*, 2:408.

Like its predecessor, the Constitution of 1848 made the mistake of failing to look far enough into the future. Its framers had neither the imagination to foresee the results of the tremendous changes in the state which were even then beginning nor the wisdom to make a flexible instrument capable of adapting itself to any new situation. By 1860 the population of the state was more than double what it had been when the constitution was framed, and industrially and socially it had made amazing progress.

Two points in particular drew persistent fire, the fixed salaries of state officers and the loopholes still left open for the passing of private and special laws. In spite of a provision in the second constitution that a private or local law should deal with but one subject which "shall be expressed in the title" and in spite of a stipulation that only general laws could be passed with reference to divorces, township organization, and the formation of corporations, the number of special laws mounted steadily; and in each session of the general assembly a large share of the time was given over to the consideration of private bills, often of the most trivial character, which came so thick and fast that proper consideration of them was impossible. As the length of the sessions was limited, the pressure of business of this sort seriously hampered the consideration of public measures, and many bills were delayed, ill-considered, or never considered at all.

Such obvious evils, it might be supposed, would have required but little agitation to remedy; but during the fifties people's attention was being concentrated more and more upon the slavery issue and the course of political events in the nation at large, and interest in state affairs flagged. In 1856 the general assembly submitted a proposal to call a constitutional convention, but the voters rejected it; and not until four years later was a new proposal made. This time the people ratified it, and accordingly in the latter part of 1861, seventy-five delegates were elected for a convention.

The group which assembled at Springfield on January 7, 1862, for the purpose of revising the constitution, however, placed a most peculiar construction on its powers. Chosen on party lines in the first heated weeks of the war of secession, a clear majority of the members were democrats, and they could not resist interpreting their election as an expression of the people's disapproval of the republicans and the republican methods in the conduct of the war. They were accordingly not content to stop with modifying the constitution along partisan lines—in particular arranging an apportionment whereby the smaller southern counties, democratic, were given equal representation with the larger republican counties in the north—but, assuming legislative powers, undertook to ratify a proposed amendment to the federal constitution, to redistrict the state for congressional representatives, to issue bonds, and to promulgate ordinances and resolutions instructing state officials; furthermore it even undertook to investigate and criticise Governor Yates' administration, particularly with respect to military affairs. This last move, together with its delay in acting upon resolutions commemorating northern victories, brought upon the convention the charge of disloyalty; and all factors combined seriously to discredit the body in the eyes of a large part of the voters. Accordingly, although the constitution it framed in its three months' session had much real merit, the instrument was rejected by an overwhelming majority of the voters.[12]

The conditions which in the first place had led to the calling of the convention, however, became more and more intolerable. The special legislation evil in particular grew to alarming proportions, and with the rapid industrial development which came immediately after the war the objectionable feature of fixed salaries became more and

[12] *Centennial History of Illinois*, 3:268 ff.; Moses, *Illinois, Historical and Statistical*, 2:655 ff.

more absurd. Further, the need of reorganizing the judiciary had become acute, for the growth of the population and business had necessarily led to a marked increase in the amount of litigation to be disposed of by the courts. The general assembly, had it chosen to exercise its constitutional power to establish additional circuit courts and to create prosecuting attorneys in each county, might have relieved the situation considerably; but it could not constitutionally add to the number of supreme court judges, and it was the supreme court that especially needed relief.

As soon, then, as the cessation of war released people's attention from the national events which had been absorbing it, a fresh attempt at constitutional revision was made. In 1867 the legislature adopted a resolution in favor of calling a convention; it was promptly ratified by the voters and in November, 1869, eighty-five delegates were chosen to frame a new body of fundamental law. The convention assembled on December 13, 1869, and continued in session until May 13, 1870. In July its work was ratified by the voters and on August 8 went into force. Of the three constitutions under which the state has operated that of 1870 has had the longest life, having, with few modifications, continued as the organic law of the state up to the present year, 1918.[13]

A more complex document in many ways, it improved decidedly upon the Constitution of 1848. The fixing of state salaries was made a matter of legislation, subject only to the limitation that the salary of no person in office should be affected during his term of service. The power of the general assembly to pass special laws was radically curbed, twenty-three specific subjects being removed from the field of possibility.

The judicial system was reorganized by increasing both

[13] For an analysis of the operation of the state government under this constitution, see *Centennial History of Illinois*, 5:190 ff.

the number of judges and the courts. The number of judges of the supreme court was increased to seven; appellate courts were authorized after the year 1874; the number of circuit courts and circuit court judges was increased; county courts for each county were established; probate courts were authorized in certain counties; state's attorneys for each county instead of each judicial circuit were provided for; provision was made for the election of justices of the peace and police magistrates. Additional courts, furthermore, were provided for Cook county, where the rapidly growing city of Chicago was raising a host of special problems.

The powers of the executive were extended in several ways, chiefly by the enlarging of the governor's veto power. Whereas before a mere majority of the members of the general assembly could pass a bill over the chief executive's veto, the new constitution required that two-thirds of all the members elected to each house should definitely record their votes in favor of such a vetoed bill before it could be effective.

In an effort to break down the sectionalism which characterized Illinois politics, the convention introduced the innovation of "minority representation." The southern counties, of southern sympathies and extraction, had long been solidly democratic; the northern and eastern counties of New England and New York extraction, were almost as solidly republican. To change this block alignment, the state was divided into fifty-one districts, each of which was entitled to elect one senator and three representatives; in the case of the election of the latter each voter was given three votes, which he might cumulate for a single candidate or distribute among two or three candidates. In this way the electors of a minority party, casting more than one-fourth of the votes in a senatorial district, could by cumulating their votes make certain of electing one member to the lower house.

The franchise, after a hot debate in the convention, was

given to citizens of the United States above the age of twenty-one years, to all electors in the state in 1848, and to all foreigners who had obtained a certificate of naturalization prior to January 1, 1870; all, however, must fulfill a moderate residence requirement, one year in the state, ninety days in the county, and thirty days in the election district in which they cast their ballots.

Two provisions reflected clearly the bitter experience of the state with the railroads. At the time, many counties and cities were facing financial disaster as the result of having purchased thousands of dollars worth of the capital stock of railroad corporations which had subsequently failed or had been sold out by the speculators who first organized them. The convention, therefore, deemed it wise to forbid all counties, cities, and other municipalities to become subscribers "to the capital stock of any railroad or private corporation" or to become indebted in excess of five per cent of the value of the taxable property within their territorial limits.

The other provision was more startling in principle and dealt a more direct blow at the growing strength of corporate privilege in the state. Serious complaint had been made of the extortionate rates charged by the railroads, but the convention for some time hesitated to deal with the matter, doubting its competency to authorize legislative control and convinced that the only regulation possible was by competition. Eventually, however, it came around to another point of view and vested in the legislature the power of regulating railroad rates.

Like the Constitution of 1848, that of 1870 made possible its own amendment by a convention assembled at the mandate of the voters or by amendments proposed by the general assembly and ratified by the voters. A very serious limitation was put upon the latter method, however, by the provision that no more than one article could be amended at one time nor any article oftener than once in four years. The constitution thus made the same mistake

both its predecessors had made of applying a well-nigh inflexible body of law, supposedly organic but in fact largely statutory, to a developing commonwealth whose needs were constantly changing. Inevitably, the new constitution had hardly gone into effect before the cry for modifying it began to be heard.

For two decades the general assembly was able by proposing separate amendments from time to time to satisfy the most insistent demands. In 1878 its proposal to give the drainage districts power to levy special assessments was made part of the constitution; in 1880 the voters ratified an amendment with reference to the election and terms of office of county officials; and in 1884 a much needed revision gave the governor power to veto items in appropriation bills, instead of having to veto such bills in their entirety because of some single objectionable item. A fourth amendment, adopted in 1886, was designed to prevent the commissioners of the penitentiaries and reformatories from making contracts for the labor of the inmates of such institutions.

Four years later, the article forbidding municipalities to contract debts in excess of five per cent of their taxable property was found to work a hardship on Chicago, which greatly desired to issue bonds in aid of the World's Columbian Exposition but could not because its debt limit had already been reached. A constitutional amendment, therefore, relieved the situation by authorizing the city to issue bonds up to five million dollars in excess of its ordinary debt.

This series of amendments remedied only the most immediate and obvious deficiencies of the constitution, leaving many more fundamental problems untouched, so that by 1893, there was a feeling in many quarters that the constitution was a stumblingblock in the way of almost all reform. The need of a thorough revision of the revenue system and the judiciary seemed especially imperative; the framers of the constitution, furthermore, had never

dreamed of the complexity of governing a city as large as Chicago had grown to be, and its provisions were constantly proving more and more inadequate for that municipality. Nevertheless, persistent agitation for a constitutional convention, carried on for a decade, proved fruitless: downstate jealousy of Chicago, the opposition of the interests which were profiting from the *status quo,* and the natural conservatism of the mass of the people continued to foil repeated attempts to get a resolution calling a constitutional convention passed by the general assembly.

By 1902 such efforts seem to have been practically given up as hopeless, and energy was directed rather to securing the passage of single amendments. Thus in 1903 the general assembly proposed and on November 8, 1904, the voters ratified an amendment permitting the legislature to pass local or special laws with reference to the "local municipal government . . . of Chicago," and modifying the constitutional provisions relating to the judiciary of Cook county so that justices of the peace of the county should be limited in their jurisdiction to the territory not embraced in the city of Chicago.

A seventh amendment was proposed in 1907 and ratified November 3, 1908, which made an exception to the constitution's provision that the legislature might never "loan the credit of the state or make appropriations from the treasury thereof, in aid of railroads or canals," by authorizing the construction by the state of a canal from Lockport to Utica.

Experience has shown, however, that the passage even of single amendments under the Constitution of 1870 has been anything but easy. The technical obstacles in the way of securing a favorable vote, as has been pointed out, are considerable; and a further difficulty has arisen from the conflict between a number of groups each advocating a particular amendment as *the* amendment to be passed upon. Many amendments have failed to receive the two-thirds vote of the general assembly; and a number which

have been proposed by that body have failed of ratification not because of marked opposition to it, indicated by a majority of votes being against it, but because either the method of balloting or the indifference of the voters made it fail to receive the required "majority of all the votes cast at the election." Since 1908, however, the most serious difficulty has been the multiplicity of demands for amendment: one organization has urged abolition of minority representation, another reorganization of the judiciary, another, short ballot, still others initiative and referendum, recall, woman suffrage, home rule for cities, revision of revenue, or easier amendment to the constitution, until the general assembly is overwhelmed and cannot be brought to take definitive action on any one proposal.

All these difficulties in the way of piecemeal change met with increasingly serious protest, until the leaders of the state were persuaded that a constitutional convention had became "inevitable and indispensable if constitutional revision adequate to the needs of the state" was to be made.[14]

[14] *Centennial History of Illinois*, 5:203.

LAWS AND CONSTITUTIONS

ORDINANCE OF 1787[1]

An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio[2]

Section 1. *Be it ordained by the United States in Congress assembled,* That the said territory for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Sec. 2. *Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descent and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by

[1] *Revised Statutes of the United States,* 13 (2nd. ed.).

[2] Passed by congress, sitting under the Articles of Confederation and Perpetual Union, on July 13, 1787.

lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

SEC. 3. *Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

SEC. 4. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months, to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common-law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

SEC. 5. The governor and judges, or a majority of them, shall adopt and publish in the district,[3] such laws of the original States,

[3] In the text from which this copy is taken the word "district" appears "distric."

criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

SEC. 6. The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

SEC. 7. Previous to the organization of the general assembly the governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

SEC. 8. For the prevention of crimes and injuries the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

SEC. 9. So soon as there shall be five thousand free male inhabitants, of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with the time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided,* That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature:

Provided, That no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same: *Provided also,* That a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being a resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

SEC. 10. The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

SEC. 11. The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected the governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and

house of representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly when, in his opinion, it shall be expedient.

SEC. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all other officers before the governor. As soon as the legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

SEC. 14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I

No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territories.

ARTICLE II

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus,* and of the trial by jury; of a proportionate[4] representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements *bona fide* and without fraud previously formed.

ARTICLE III

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV

The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States

[4] In the text from which this copy is taken the word "proportionate" appears "propotionate."

of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the Federal debts, contracted, or to be contracted, and a proportional part of the expenses of government to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona-fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V

There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and the Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be

bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* And it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfuly reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

ACT OF CONGRESS, MAY 7, 1800[1]

AN ACT TO DIVIDE THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE OHIO, INTO TWO SEPARATE GOVERNMENTS. APPROVED MAY 7, 1800

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the fourth day of July next, all that part of the territory of the United States northwest of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite the mouth of Kentucky river, and running thence to Fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

SEC. 2. *And be it further enacted,* That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July one thousand seven hundred and eighty-seven, for the government of the territory of the United States northwest of the river Ohio; and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages granted and secured to the people by the said ordinance.

SEC. 3. *And be it further enacted,* That the officers for the said territory, who by virtue of this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations as by the ordinance aforesaid and the laws of the United States, have been provided and established for similar officers in the territory of the United States northwest of the river Ohio.

[1] *Statutes at Large,* 2:58.

And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided,* that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the next session of Congress.

SEC. 4. *And be it further enacted,* That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided,* that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the the said territory, agreeably to the number of free males of the age of twenty-one years and upwards which they may respectively contain.

SEC. 5. *And be it further enacted,* That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States northwest of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July next: *Provided,* that whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, and running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the Union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; anything in this act contained to the contrary notwithstanding.

SEC. 6. *And be it further enacted,* That until it shall be other-

wise ordered by the legislatures of the said territories respectively, Chilicothe, on Scioto river, shall be the seat of the government of the territory of the United States northwest of the Ohio river; and that Saint Vincennes, on the Wabash river, shall be the seat of the government for the Indiana territory.

ACT OF CONGRESS, FEBRUARY 3, 1809[1]

AN ACT FOR DIVIDING THE INDIANA TERRITORY INTO TWO SEPARATE GOVERNMENTS. APPROVED FEBRUARY 3, 1809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of March next, all that part of the Indiana territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north, to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

SEC. 2. *And be it further enacted,* That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of Congress, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the territory of the United States, northwest of the river Ohio; and by an act passed on the seventh day of August, one thousand seven hundred and eighty-nine, intituled, "An act to provide for the government of the territory northwest of the river Ohio;" and the inhabitants thereof shall be entitled to, and enjoy all and singular the rights, privileges and advantages, granted and secured to the people of the territory of the United States, northwest of the river Ohio, by the said ordinance.

SEC. 3. *And be it further enacted,* That the officers for the said territory, who, by virtue of this act, shall be appointed by the President of the United States, by and with the advice and consent of the Senate, shall respectively exercise the same powers, perform the same duties, and receive for their services the same compensations, as by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in

[1] *Statutes at Large,* 2:514.

the Indiana territory. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor: *Provided,* that the President of the United States shall have full power, in the recess of Congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of Congress.

SEC. 4. *And be it further enacted,* That so much of the ordinance for the government of the territory of the United States northwest of the Ohio river, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Illinois Territory, whenever satisfactory evidence shall be given to the governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein five thousand free male inhabitants of the age of twenty-one years and upwards: *Provided,* that until there shall be five thousand free male inhabitants of twenty-one years and upwards in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of twenty-one years and upwards, which they may respectively contain.

SEC. 5. *And be it further enacted,* That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

SEC. 6. *And be it further enacted,* That all suits, process and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process and proceedings, which, on the said first day of March next, shall be pending in the general court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on and judgments and decrees rendered thereon, in

the same manner as if the said Indiana territory had remained undivided.

SEC. 7. *And be it further enacted,* That nothing in this act contained shall be so construed as to prevent the collection of taxes, which may on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

SEC. 8. *And be it further enacted,* That until it shall be otherwise ordered by the legislature of the said Illinois territory, Kaskaskia on the Mississippi river, shall be the seat of government for the said Illinois territory.

ACT OF CONGRESS, APRIL 18, 1818[1]

AN ACT TO ENABLE THE PEOPLE OF THE ILLINOIS TERRITORY TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF SUCH STATE INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES. APPROVED APRIL 18, 1818

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of the territory of Illinois be, and they are hereby, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the Union upon the same footing with the original states, in all respects whatever.

SEC. 2. *And be it further enacted,* That the said state shall consist of all the territory included within the following boundaries, to wit; Beginning at the mouth of the Wabash river; thence, up the same, and with the line of Indiana, to the north-west corner of said state; thence, east with the line of the same state, to the middle of Lake Michigan; thence, north along the middle of said lake, to north latitude forty-two degrees thirty minutes; thence, west to the middle of the Mississippi river; and thence, down along the middle of that river, to its confluence with the Ohio river; and thence, up the latter river, along its north-western shore, to the beginning: *Provided,* That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory north-west of the river Ohio: *Provided also,* That the said state shall have concurrent jurisdiction with the state of Indiana on the Wabash river, so far as said river shall form a common boundary to both, and also concurrent juris-

[1] *Statutes at Large,* 3:428.

diction on the Mississippi river, with any state or states to be formed west thereof, so far as said river shall form a common boundary to both.

SEC. 3. *And be it further enacted,* That all white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory six months previous to the day of election, and all persons having in other respects the legal qualifications to vote for representatives in the general assembly of the said territory, be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties as follows:

From the county of Bond, two representatives:
From the county of Madison, three representatives:
From the county of St. Clair, three representatives:
From the county of Monroe, two representatives:
From the county of Randolph, two representatives:
From the county of Jackson, two representatives:
From the county of Johnson, two representatives:
From the county of Pope, two representatives:
From the county of Gallatin, three representatives:
From the county of White, two representatives:
From the county of Edwards, two representatives:
From the county of Crawford, two representatives:
From the county of Union, two representatives:
From the county of Washington, two representatives:
And from the county of Franklin, two representatives:

And the election for the representatives aforesaid shall be holden on the first Monday of July next, and the two following days, throughout the several counties in the said territory, and shall be conducted in the same manner, and under the same regulations, as prescribed by the laws of the said territory regulating elections therein, for members of the House of Representatives.

SEC. 4. *And be it further enacted,* That the members of the convention, thus duly elected, be, and they are hereby, authorized to meet at the seat of government of the said territory, on the first Monday of the month of August next, which convention, when met, shall first determine, by a majority of the whole number elected,

whether it be, or be not, expedient at that time to form a constitution and state government for the people within the said territory, and if it be expedient, the convention shall be and hereby is authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall then form for the people of said territory a constitution and state government: *Provided,* That the same, whenever formed, shall be republican, and not repugnant to the ordinance of the thirteenth of July, seventeen hundred and eighty-seven, between the original states and the people and states of the territory northwest of the river Ohio; excepting so much of said articles as relate to the boundaries of the states therein to be formed: *And provided also,* That it shall appear, from the enumeration directed to be made by the legislature of the said territory, that there are, within the proposed state, not less than forty thousand inhabitants.

SEC. 5. *And be it further enacted,* That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. *And be it further enacted,* That the following propositions be and the same are hereby, offered to the convention of the said territory of Illinois, when formed, for their free acceptance or rejection, which if accepted by the convention, shall be obligatory upon the United States and the said state.

First. That section numbered sixteen, in every township, and, when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state, for the use of the inhabitants of such township, for the use of schools.

Second. That all salt springs within such state and the land reserved for the use of the same, shall be granted to the said state, for the use of the said state, and the same to be used under such terms, and conditions, and regulations, as the legislature of the said state shall direct: *Provided,* The legislature shall never sell

nor lease the same for a longer period than ten years, at any one time.

Third. That five per cent. of the net proceeds of the lands lying within such state, and which shall be sold by Congress, from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the state; the residue to be appropriated, by the legislature of the state, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Fourth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state, to be appropriated solely to the use of such seminary by the said legislature. *Provided always,* That the four foregoing propositions, herein offered, are on the conditions that the convention of the said state shall provide, by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January, one thousand eight hundred and nineteen, shall remain exempt from any tax laid by order, or under any authority of, the state, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further,* That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years, from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein.

Sec. 7. *And be it further enacted,* That all that part of the territory of the United States lying north of the state of Indiana, and which was included in the former Indiana territory, together with that part of the Illinois territory which is situated north of

and not included within the boundaries prescribed by this act, to the state thereby authorized to be formed, shall be, and hereby is, attached to, and made a part of the Michigan territory, from and after the formation of the said state, subject, nevertheless, to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects, with the other citizens of the Michigan territory.

ORDINANCE OF 1818

An Ordinance[1]

WHEREAS the Congress of the United States in the act entitled, "An act to enable the people of the Illinois territory to form a constitution and state government and for the admission of such state into the union on an equal footing with the original states, passed the 18th of April, 1818," have offered to this convention for their free acceptance or rejection, the following propositions, which if accepted by the convention are to be obligatory upon the United States, viz:

"1st. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state for the use of the inhabitants of such township for the use of schools.

2nd. That all salt springs within such state and the lands reserved for the use of the same shall be granted to the said state for the use of the said state, and the same to be used under such terms and conditions and regulations as the legislature of said state shall direct; Provided the legislature shall never sell nor lease the same for a longer period than ten years at any one time.

3d. That five per cent. of the nett proceeds of the lands lying within such state, and which shall be sold by congress from and after the first day of January, one thousand eight hundred and nineteen, after deducting all expences incident to the same, shall be reserved for the purposes following, viz: Two-fifths to be disbursed under the direction of congress, in making roads leading to the state; the residue to be appropriated by the legislature of the state for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

[1] Adopted in convention at Kaskaskia, August 26, 1818.

4th. That thirty six sections or one entire township, which shall be designated by the President of the United States together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state to be appropriated solely to the use of such seminary by the said legislature."

And whereas the four foregoing propositions are offered on the condition that this convention shall provide by ordinance, irrevocable, without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order or under any authority of the state, whether for for state, county or township, or any other purpose whatever, for the term of five years from and after the day of sale. And further that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall while they continue to be held by the patentees or their heirs, remain exempt as aforesaid, from all taxes for the term of three years, from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein.

THEREFORE this convention on behalf of and by the authority of the people of the state, do accept of the foregoing propositions; and do further Ordain And Declare, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order or under any authority of the state, whether for state, county, or township, or any purpose whatever, for the term of five years from and after the day of sale. And that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid, from all taxes, for the term of three years, from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein. And this con-

vention, do further Ordain And Declare that the foregoing ordinance shall not be revoked without the consent of the United States.

Done in Convention at Kaskaskia, the twenty sixth day of August in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States of America the forty-third.

Jesse B. Thomas
President of the Convention.

Attest:
Wm. C. Greenup
Secretary to the Convention.

CONSTITUTION OF 1818

CONSTITUTION OF 1818[1]

The People of the Illinois Territory,[2] having the right of admission into the general government as a member of the union, consistent with the Constitution of the United States, the Ordinance of Congress of 1787, and the Law of Congress "Approved April 18th, 1818," entitled "an act to enable the people of the Illinois Territory to form a Constitution and State Government, and for the admission of such state into the union on an equal footing with the original states and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty

[1] Adopted in convention at Kaskaskia, August 26, 1818. The Constitution of 1818 was not submitted to the electors for their approval or rejection. The instrument became operative, however, upon the admission of Illinois into the union. The resolution of congress declaring the admission of Illinois into the union, which was approved on December 3, 1818, is as follows:

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, whereas, in pursuance of an act of Congress, passed on the eighteenth day of April, one thousand eight hundred and eighteen, entitled, 'An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states,' the people of said territory did, on the twenty-sixth day of August, in the present year, by a convention called for that purpose, form for themselves a constitution and state government, which constitution and state government, so formed, is republican, and in conformity to the principles of the articles of compact between the original states and the people and states in the territory north-west of the river Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven: *Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the state of Illinois shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever." *Statutes at Large*, 3:536.

[2] The original manuscript contains no title.

to themselves and their posterity, Do by their representatives in convention, Ordain & Establish the following Constitution, or Form of Government, and do mutually agree with each other to form themselves into a free and independent state by the name of the State of Illinois. And they do hereby ratify the boundaries assigned to such state by the act of congress aforesaid, which are as follows to-wit:—Beginning at the mouth of the Wabash river; thence up the same and with the line of Indiana to the northwest corner of said state; thence east with the line of the same state to the middle of lake Michigan; thence north along the middle of said lake to north latitude forty two degrees and thirty minutes; thence west to the middle of the Mississippi river; and thence down along the middle of that river to its confluence with the Ohio river; and thence up the latter river, along its northwestern shore to the beginning.

ARTICLE I

Concerning the distribution of the powers of Government.

SECTION 1. The powers of the government of the State of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of Magistracy, to-wit; Those which are Legislative to one; those which are Executive to another; and those which are Judiciary to another.

Field *v.* People *ex rel., 2 Scammon* (*3 Ill.*), 79; Edwards *v.* Pope, *et al., 3 Scammon* (*4 Ill.*), 464.

SECT. 2. No person or collection of persons being one of those departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Field *v.* People *ex rel., 2 Scammon* (*3 Ill.*), 79; Lane *et al. v.* Dorman, *3 Scammon* (*4 Ill.*), 237; Edwards *v.* Pope, *3 Scammon* (*4 Ill.*), 464; Mason *v.* Wait *et al., 4 Scammon* (*5 Ill.*), 127; Rhinehart *v.* Schuyler *et al., 2 Gilman* (*7 Ill.*), 473; see Messinger *v.* Germain, *1 Gilman* (*6 Ill.*), 632; Bruce *v.* Schuyler *et al., 4 Gilman* (*9 Ill.*), 221.

ARTICLE II

SECT. 1. The legislative authority of this state shall be vested in a General Assembly which shall consist of a Senate and House of representatives, both to be elected by the people.

Sawyer *v.* City of Alton, *3 Scammon* (*4 Ill.*), 127; People *ex rel. v.* Reynolds, *5 Gilman* (*10 Ill.*), 1.

SECT. 2. The first election for senators and representatives shall commence on the third thursday of September next and continue for that and the two succeeding days; and the next election shall be held on the first monday in August, one thousand eight hundred and twenty; and forever after, elections shall be held once in two years on the first monday of August, in each and every county, at such places therein as may be provided by law.

SECT. 3. No person shall be a representative who shall not have attained the age of twentyone years, who shall not be a citizen of the United States and an inhabitant of this state; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, (if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts out of which the same shall have been taken;) unless he shall have been absent on the public business of the United States or of this state; and who moreover shall not have paid a state or county tax.

SECT. 4. The senators at their first session herein provided for, shall be divided by lot from their respective counties or districts as near as can be, in two classes:—The seats of the senators of the first class shall be vacated at the expiration of the second year; and those of the second class at the expiration of the fourth year; so that one-half thereof as near as possible may be biennially chosen forever thereafter.

SECT. 5. The number of senators and representatives shall, at the first session of the General Assembly holden after the returns herein provided for are made, be fixed by the General Assembly and apportioned among the several counties or districts to be established by law; according to the number of white inhabitants. The number of representatives shall not be less than twentyseven nor more than thirtysix, until the number of inhabitants within this state shall amount to one hundred thousand; And the number of senators shall never be less than one-third nor more than one-half of the number of representatives.

SECT. 6. No person shall be a senator who has not arrived at the

age of twentyfive years, who shall not be a citizen of the United States and who shall not have resided one year in the county or district in which he shall be chosen, immediately preceding his election; (if such county or district shall have been so long erected; but if not, then within the county or counties, district or districts out of which the same shall have been taken) unless he shall have been absent on the public business of the United States or of this state and shall not moreover have paid a state or county tax.

SECT. 7. The senate and house of representatives when assembled shall each choose a speaker and other officers, the speaker of the senate excepted;—Each house shall judge of the qualifications and elections of its members and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

SECT. 8. Each house shall keep a journal of its proceedings and publish them: The yeas and nays of the members on any question, shall at the desire of any two of them be entered on the journals.

Neiberger *v.* McCullough *et al.*, *253 Ill.*, 312.

SECT. 9. Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals.

SECT. 10. Each house may determine the rules of its proceedings punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SECT. 11. When vacancies happen in either house, the Governor, or the person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

SECT. 12. Senators and representatives shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SECT. 13. Each house may punish by imprisonment during its session any person not a member, who shall be guilty of disrespect

to the house by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not at any one time exceed twentyfour hours.

SECT. 14. The doors of each house and of committees of the whole shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall without the consent of the other adjourn for more than two days; nor to any other place than that in which the two houses shall be sitting.

SECT. 15. Bills may originate in either house, but may be altered, amended or rejected by the other.

SECT. 16. Every bill shall be read on three different days in each house, unless in case of urgency, threefourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speakers of their respective houses.

People *ex rel. v.* Campbell, *3 Gilman* (*8 Ill.*), 466.

SECT. 17. The style of the laws of this state shall be, "Be it enacted by the people of the state of Illinois represented in the General Assembly."

SECT. 18. The General Assembly of this state shall not allow the following officers of government greater or smaller annual salaries than as follows, until the year one thousand eight hundred and twentyfour: The governor one thousand dollars and the Secretary of state six hundred dollars.

SECT. 19. No senator or representative shall, during the time for which he shall have been elected be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time.

SECT. 20. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SECT. 21. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rising of each session of the General Assembly.

SECT. 22. The house of representatives shall have the sole power of impeaching, but a majority of all the members present must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be

upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of twothirds of all the senators present.

SECT. 23. The Governor and all other civil officers under this state shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualifications to hold any office of honour, profit or trust under this state. The party whether convicted or acquitted shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SECT. 24. The first session of the General Assembly shall commence on the first monday of October next, and forever after, the General Assembly shall meet on the first monday in December next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

SECT. 25. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or this state, (provided that appointments in the militia, postmasters or justices of the peace, shall not be considered lucrative offices) shall have a seat in the general assembly: nor shall any person holding an office of honour or profit under the government of the United States, hold any office of honour or profit under the authority of this state.

SECT. 26. Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also on oath of office.

SECT. 27. In all elections, all white male inhabitants above the age of twentyone years, having resided in the state six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

Spragins *v.* Houghton, *2 Scammon (3 Ill.)*, 377.

SECT. 28. All votes shall be given *viva voce* until altered by the general assembly.

SECT. 29. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance on elections and in going to or returning from the same.

SECT. 30. The general assembly shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury or any other infamous crime.

SECT. 31. In the year one thousand eight hundred and twenty, and every fifth year thereafter, an enumeration of all the white inhabitants of the state shall be made in such manner as shall be directed by law.

SECT. 32. All bills for raising a revenue shall originate in the house of representatives, subject however to amendment or rejection as in other cases.

ARTICLE III

SECT. 1. The executive power of the state shall be vested in a Governor.

Field *v.* People *ex rel.*, 2 *Scammon* (3 *Ill.*), 79.

SECT. 2. The first election of Governor shall commence on the third thursday of September next, and continue for that and the two succeeding days; and the next election shall be held on the first monday of August in the year of our Lord one thousand eight hundred and twentytwo. And for ever after, elections for governor shall be held once in four years on the first monday in August. The governor shall be chosen by the electors of the members of the general assembly at the same places and in the same manner that they shall respectively vote for members thereof. The returns for every election of governor shall be sealed up and transmitted to the seat of government by the returning officers directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor: but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly in such manner as shall be prescribed by law.

SECT. 3. The first governor shall hold his office until the first monday of December in the year of our Lord one thousand eight hundred and twenty two, and until another governor shall be elected and qualified to office: and forever after, the governor shall hold his office for the term of four years, and until another governor shall be elected and qualified; but he shall not be eligible for more than four years in any term of eight years. He shall be at least thirty years of age and have been a citizen of the United States thirty years; two years of which next preceding his election, he shall have resided within the limits of this state.

SECT. 4. He shall from time to time give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SECT. 5. He shall have power to grant reprieves and pardons after conviction except in cases of impeachment.

Ex parte Birch, *3 Gilman* (*8 Ill.*), 134.

SECT. 6. The governor shall at stated times receive a salary for his services, which shall neither be increased nor diminished during the term for which he shall have been elected.

SECT. 7. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices; and shall take care that the laws be faithfully executed.

SECT. 8. When any officer, the right of whose appointment is by this Constitution vested in the general assembly, or in the governor and senate, shall during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy by granting a commission which shall expire at the end of the next session of the general assembly.

People *v.* Forquer, *Breese* (*1 Ill.*), 104; Field *v.* People *ex rel.*, *2 Scammon* (*3 Ill.*), 79.

SECT. 9. He may on extraordinary occasions convene the general assembly by proclamation, and shall state to them when assembled the purpose for which they shall have been convened.

SECT. 10. He shall be commander-in-chief of the army and navy of this state and of the militia, except when they shall be called into service of the United States.

SECT. 11. There shall be elected in each and every county in the said state by those who are qualified to vote for members of the general assembly and at the same time and places where the election for such members shall be held, one sheriff and one coroner, whose election shall be subject to such rules and regulations as shall be prescribed by law. The said sheriffs and coroners respectively when elected shall continue in office two years, be subject to removal and disqualification, and such other rules and regulations as may be from time to time prescribed by law.

SECT. 12. In case of disagreement between the two houses with respect to the time of adjournment the Governor shall have power to adjourn the general assembly to such time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

SECT. 13. A Lieutenant-governor shall be chosen at every election for governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

SECT. 14. He shall by virtue of his office be speaker of the senate, have a right when in committee of the whole to debate and vote on all subjects, and whenever the senate are equally divided to give the casting vote.

SECT. 15. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker for that occasion; and if during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign or die, or be absent from the state, the speaker of the senate shall in like manner administer the government.

SECT. 16. The lieutenant governor while he acts as speaker of the senate shall receive for his service the same compensation which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, he shall receive the same compensation

which the governor would have received had he been employed in the duties of his office.

SECT. 17. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary for the time being to convene the senate for the purpose of choosing a speaker.

SECT. 18. In case of an impeachment of the governor, his removal from office, death, refusal to qualify, resignation or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until the time pointed out by this constitution for the election of governor shall arrive, unless the general assembly shall provide by law for the election of a governor to fill such vacancy.

SECT. 19. The governor for the time being and the Judges of the supreme Court, or a major part of them together with the governor, shall be and are hereby constituted a council to revise all bills about to be passed into laws by the general assembly; and for that purpose shall assemble themselves from time to time when the general assembly shall be convened; for which nevertheless they shall not receive any salary or consideration under any pretense whatever; and all bills which have passed the senate and house of representatives shall, before they become laws, be presented to the said council for their revisal and consideration; and if upon such revisal and consideration it should appear improper to the said council or a majority of them, that the bill should become a law of this state, they shall return the same, together with their objections thereto in writing, to the senate or house of representatives (in whichsoever the same shall have originated) who shall enter the objections set down by the council at large in their minutes and proceed to reconsider the said bill. But if after such reconsideration the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same by a majority of the whole number of members elected, it shall together with the said objections be sent to the other branch of the general assembly, where it shall also be reconsidered; and if approved by a majority of all the members elected, it shall become a law. If any bill shall

not be returned within ten days after it shall have been presented, the same shall be a law; unless the general assembly shall by their adjournment render a return of the said bill in ten days impracticable; in which case the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of the said ten days, or be a law.

Garrett *v.* Stevenson *et al.*, *3 Gilman* (*8 Ill.*), 261; People *ex rel. v.* Hatch, *33 Ill.*, 9.

SECT. 20. The governor shall nominate, and by and with the advice and consent of the senate appoint a Secretary of State, who shall keep a fair register of the official acts of the governor, and when required shall lay the same and all papers, minutes and vouchers relative thereto before either branch of the general assembly and shall perform such other duties as shall be assigned him by law.

Field *v.* People *ex rel.*, *2 Scammon* (*3 Ill.*), 79.

SECT. 21. The state treasurer and public printer or printers for the state, shall be appointed biennially by the joint vote of both branches of the general assembly; Provided that during the recess of the same, the governor shall have power to fill such vacancies as may happen in either of said offices.

SECT. 22. The governor shall nominate and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided however that inspectors, collectors and their deputies, surveyors of the highways, constables, jailers and such inferior officers whose jurisdiction may be confined within the limits of the county, shall be appointed in such manner as the general assembly shall prescribe.

ARTICLE IV

SECT. 1. The Judicial power of this state shall be vested in one supreme court, and such inferior courts as the general assembly shall from time to time, ordain and establish.

Vance *et al. v.* Funk, *2 Scammon* (*3 Ill.*), 263; Beaubien *v.* Brinckerhoff, *2 Scammon* (*3 Ill.*), 270; Bruce *v.* Schuyler *et al.*, *4 Gilman* (*9 Ill.*), 221; People *v.* City of St. Louis *et al.*, *5 Gilman* (*10 Ill.*), 351.

SECT. 2. The supreme court shall be holden at the seat of government and shall have an appellate jurisdiction only; except in cases relating to the revenue; in cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

Bowers *v.* Green, *1 Scammon* (*2 Ill.*), 41; People *ex rel. v.* Taylor, *1 Scammon* (*2 Ill.*), 201; Beaubien *et al. v.* Hamilton, *3 Scammon* (*4 Ill.*), 213; Plumleigh *v.* White, *4 Gilman* (*9 Ill.*), 388.

SECT. 3. The supreme court shall consist in a chief justice and three associates, any two of whom shall form a quorum. The number of justices may however be increased by the general assembly after the year one thousand eight hundred and twentyfour.

SECT. 4. The justices of the supreme court and the judges of the inferior courts shall be appointed by joint ballot of both branches of the general assembly, and commissioned by the governor, and shall hold their offices during good behaviour until the end of the first session of the general assembly which shall be begun and held after the first day of January in the year of our Lord one thousand eight hundred and twentyfour, at which time their commissions shall expire; and until the expiration of which time, the said justices respectively shall hold circuit courts in the several counties in such manner and at such times and shall have and exercise such jurisdiction as the general assembly shall by law prescribe. But ever after the aforesaid period, the justices of the supreme court shall be commissioned during good behaviour, and the justices thereof shall not hold circuit courts unless required by law.

SECT. 5. The judges of the inferior courts shall hold their offices during good behaviour; but for any reasonable cause which shall not be sufficient ground for impeachment, both the judges of the supreme and inferior courts shall be removed from office on the address of twothirds of each branch of the general assembly: *Provided always,* that no member of either house of the general assembly, nor any person connected with a member, by consanguinity or affinity shall be appointed to fill the vacancy occasioned by such removal. The said justices of the supreme court during their temporary appointments shall receive an annual salary of one thousand dollars, payable quarteryearly out of the public treasury.

The judges of the inferior courts, and the justices of the supreme court who may be appointed after the end of the first session of the general assembly which shall be begun and held after the first day of January in the year of our Lord one thousand eight hundred and twentyfour, shall have adequate and competent salaries which shall not be diminished during their continuance in office.

SECT. 6. The supreme court, or a majority of the justices thereof, the circuit courts, or the justices thereof, shall respectively appoint their own clerks.

People *ex rel. v.* Mobley, *1 Scammon* (*2 Ill.*), 215.

SECT. 7. All process, writs and other proceedings shall run in the name of *"the people of the state of Illinois."* All prosecutions shall be carried on *"in the name and by the authority of the people of the state of Illinois"* and conclude *"against the peace and dignity of the same."*

Whitesides *v.* People, *Breese* (*1 Ill.*), 21; Reddick *v.* Administrators of Joseph Cloud, *2 Gilman* (*7 Ill.*), 670; Ferris *v.* Crow, *5 Gilman* (*10 Ill.*), 96; Curry *v.* Hinman, *11 Ill.*, 420.

SECT. 8. A competent number of justices of the peace shall be appointed in each county in such manner as the general assembly may direct, whose time of service, power and duties shall be regulated and defined by law. And justices of the peace when so appointed shall be commissioned by the governor.

ARTICLE V

SECT. 1. The militia of the state of Illinois shall consist of all free male ablebodied persons, negros, mulattos and indians excepted, resident in the state between the ages of eighteen and fortyfive years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this state; and shall be armed equipped and trained as the general assembly may provide by law.

SECT. 2. No person or persons conscientously scrupulous of bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

SECT. 3. Company, battalion and regimental officers, staff-offi-

cers excepted, shall be elected by the persons composing their several companies, battalions and regiments.

SECT. 4. Brigadier and Major-generals shall be elected by the officers of their brigades and divisions respectively.

SECT. 5. All militia officers shall be commissioned by the governor, and may hold their commissions during good behavior, or until they arrive at the age of sixty years.

SECT. 6. The militia shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and elections of officers and in going to and returning from the same.

ARTICLE VI

SECT. 1. Neither slavery nor involuntary servitude shall hereafter be introduced into this state otherwise than for the punishment of crimes whereof the party shall have been duly convicted; nor shall any male person arrived at the age of twentyone years, nor female person arrived at the age of eighteen years be held to serve any person as a servant under any identure hereafter made, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity except those given in cases of apprenticeship.

Willard *v.* People, *4 Scammon* (*5 Ill.*), 461; Jarrot *v.* Jarrot, *2 Gilman* (*7 Ill.*), 1; Hone *v.* Ammons, *14 Ill.*, 29.

SECT. 2. No person bound to labour in any other state shall be hired to labour in this state, except within the tract reserved for the salt works near Shawnee-town; nor even at that place for a longer period than one year at any one time; nor shall it be allowed thereafter the year one thousand eight hundred and twentyfive:— Any violation of this article shall effect the emancipation of such person from his obligation to service.

SECT. 3. Each and every person who has been bound to service by contract or indenture in virtue of the laws of the Illinois Terri-

tory heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negros and mulattos as have been registered in conformity with the aforesaid laws, shall serve out the time appointed by said laws; Provided however that the children hereafter born of such persons, negros or mulattos shall become free, the males at the age of twenty one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside by their owners within six months after the birth of said child.

Phoebe *v.* Jay, *Breese* (*1 Ill.*), 268; Boon *v.* Juliet, *1 Scammon* (*2 Ill.*), 258; Choisser *v.* Hargrave, *1 Scammon* (*2 Ill.*), 317; Sarah *v.* Borders, *4 Scammon* (*5 Ill.*), 341.

ARTICLE VII

SECT. 1. Whenever two-thirds of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors at the next election of members to the general assembly to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state voting for representatives have voted for a convention, the general assembly shall at their next session call a convention, to consist of as many members as there may be in the general assembly; to be chosen in the same manner, at the same place and by the same electors that choose the general assembly; and which convention shall meet within three months after the said election for the purpose of revising, altering or amending this constitution.

ARTICLE VIII

That the general great and essential principles of liberty and free government may be recognized and unalterably established WE DECLARE:

SECT. 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, and of acquiring,

possessing and protecting property and reputation, and of pursuing their own happiness.

Kinney *v.* Cook, *3 Scammon (4 Ill.)*, 231.

SECT. 2. That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness.

SECT. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

SECT. 4. That no religious test shall ever be required as a qualification to any office or public trust under this state.

SECT. 5. That elections shall be free and equal.

SECT. 6. That the right of the *trial by Jury* shall remain inviolate.

SECT. 7. That the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

SECT. 8. That no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. And all lands which have been granted as a common to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation; and the said commons shall not be leased, sold or divided under any pretense whatever; Provided however, that nothing in this section shall be so construed as to affect the com-

mons of Cahokia or Prairie du Pont; Provided also that the general assembly shall have power and authority to grant the same privileges to the inhabitants of the said villages of Cahokia or Prairie du Pont as are hereby granted to the inhabitants of other towns, hamlets and villages.

Rankin *v.* Beaird, *Breese* (*1 Ill.*), 163; Lane *et al. v.* Dorman, *3 Scammon* (*4 Ill.*), 237; Edwards *v.* Pope *et al.*, *3 Scammon* (*4 Ill.*), 464; Rhinehart *v.* Schuyler *et al.*, *2 Gilman* (*7 Ill.*), 473; Bruce *v.* Schuyler *et al.*, *4 Gilman* (*9 Ill.*), 221; Hebert *et al. v.* Lavalle, *27 Ill.*, 448; Lavalle *v.* Strobel, *89 Ill.*, 370; Stead *et al. v.* President and Trustees of Commons of Kaskaskia, *243 Ill.*, 239; Land Commissioners *v.* President and Trustees of Commons of Kaskaskia, *249 Ill.*, 578.

SECT. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself, and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favour:—and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage:—and that he shall not be compelled to give evidence against himself.

Stone *v.* People, *2 Scammon* (*3 Ill.*), 326; Carpenter *v.* People, *3 Gilman* (*8 Ill.*), 147.

SECT. 10. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanour in office.

SECT. 11. No person shall for the same offense be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him.

People *v.* Royal, *1 Scammon* (*2 Ill.*), 557; Edwards *v.* Pope *et al.*, *3 Scammon* (*4 Ill.*), 464; Mills *et al. v.* County of St. Clair *et al.*, *2 Gilman* (*7 Ill.*), 197.

SECT. 12. Every person within this state ought to find a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character:—he ought to obtain right

and justice freely and without being obliged to purchase it,—completely and without denial, promptly and without delay, conformably to the laws.

Gesford *v.* Critzer *et al.*, *2 Gilman* (*7 Ill.*), 698.

SECT. 13. That all persons shall be bailable by sufficient sureties unless for capital offenses, where the proof is evident or the presumption great:—and the privilege of the writ of Habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

SECT. 14. All penalties shall be proportioned to the nature of the offence, the true design of all punishments being to reform, not to exterminate mankind.

SECT. 15. No person shall be imprisoned for debt unless upon refusal to deliver, up his estate for the benefit of his creditors, in such manner as shall be prescribed by law or in cases where there is strong presumption of fraud.

See Tuttle *et al. v.* Wilson, *24 Ill.*, 553.

SECT. 16. No *ex post facto* law, nor any other law impairing the validity of contracts shall ever be made; and no conviction shall work corruption of blood or forfeiture of estate.

Coles *v.* County of Madison, *Breese* (*1 Ill.*), 154; Williams *v.* Waldo, *3 Scammon* (*4 Ill.*), 264; Bruce *v.* Schuyler *et al.*, *4 Gilman* (*9 Ill.*), 221; County of Richland *v.* County of Lawrence, *12 Ill.*, 1.

SECT. 17. That no person shall be liable to be transported out of this state for any offense committed within the same.

SECT. 18. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SECT. 19. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

SECT. 20. That the mode of levying a tax shall be by valuation, so that every person shall pay a tax in proportion to the value of the property he or she has in his or her possession.

Nance *v.* Howard, *Breese* (*1 Ill.*), 242; Sawyer *v.* City of Alton, *3 Scammon* (*4 Ill.*), 127; Rhinehart *v.* Schuyler *et al.*, *2 Gilman*

(7 *Ill.*), 473; Bruce *v.* Schuyler *et al.*, 4 *Gilman* (9 *Ill.*), 221; Graves *v.* Bruen *et al.*, 11 *Ill.*, 431.

SECT. 21. That there shall be no other banks or monied institutions in this state but those already provided by law, except a state bank and its branches which may be established and regulated by the general assembly of the state as they may think proper.

People *ex rel. v.* Marshall *et al.*, 1 *Gilman* (6 *Ill.*), 672.

SECT. 22. The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

SECT. 23. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right of determining both the law and the fact under the direction of the court as in other cases.

SCHEDULE

SECT. 1. That no inconveniences may arise from the change of a territorial to a permanent state government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims and contracts both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government in virtue of the laws now in force.

SECT. 2. All fines, penalties and forfeitures due and owing to the territory of Illinois shall enure to the use of the state. All bonds executed to the governor or to any other officer in his official capacity in the territory, shall pass over to the governor or to the officers of the state and their successors in office for the use of the state, by him or by them to be respectively assigned over to the use of those concerned as the case may be.

SECT. 3. No sheriff or collector of public monies shall be eligible to any office in this state, until they have paid over according to

law, all monies which they may have collected by virtue of their respective offices.

SECT. 4. There shall be elected in each county three county commissioners for the purpose of transacting all county business, whose time of service, power and duties shall be regulated and defined by law.

County of Vermilion *v.* Knight, *1 Scammon (2 Ill.)*, 97.

SECT. 5. The governor, secretary and judges and all other officers under the territorial government shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

SECT. 6. The governor of this state shall make use of his private seal until a state seal shall be provided.

SECT. 7. The oaths of office herein directed to be taken may be administered by any justice of the peace until the general assembly shall otherwise direct.

SECT. 8. Until the first census shall be taken as directed by this constitution the county of Madison shall be entitled to one senator and three representatives; the county of St Clair to one senator and three representatives; the county of Bond to one senator and one representative; the county of Washington to one senator and one representative; the county of Monroe to one senator and one representative; the county of Randolph to one senator and two representatives; the county of Jackson to one senator and one representative; the counties of Johnson and Franklin to form one senatorial district and to be entitled to one senator and each county to one representative; the county of Union to one senator and two representatives; the county of Pope to one senator and two representatives; the county of Gallatin to one senator and three representatives; the county of White to one senator and three representatives; the county of Edwards to one senator and two representatives; and the county of Crawford to one senator and two representatives.

SECT. 9. The President of the Convention shall issue writs of election directed to the several sheriffs of the several counties, or in case of the absence or disability of any sheriff then to the deputy sheriff, and in case of the absence or disability of the deputy sheriff

then such writ to be directed to the coroner, requiring them to cause an election to be held for governor, lieutenant governor, representative to the present congress of the United States and members to the general assembly and sheriffs and coroners in the respective counties; such election to commence on the third thursday of September next and to continue for that and the two succeeding days:—and which election shall be conducted in the manner prescribed by the existing election laws of the Illinois territory: and the said governor, lieutenant governor, members of the general assembly sheriffs and coroners then duly elected shall continue to exercise the duties of their respective offices for the time prescribed by this constitution and until their successor or successors are qualified and no longer.

SECT. 10. An auditor of public accounts, an attorney general and such other officers for the state as may be necessary may be appointed by the general assembly whose duties may be regulated by law.

SECT. 11. It shall be the duty of the general assembly to enact such laws as may be necessary and proper to prevent the practice of duelling.

SECT. 12. All white male inhabitants above the age of twenty one years who shall be actual residents of this state at the signing of this constitution shall have a right to a vote at the election to be held on the third thursday and the two following days of September next.

SECT. 13. The seat of government for the state shall be at Kaskaskia, until the general assembly shall otherwise provide. The general assembly, at their first session holden under the authority of this constitution, shall petition the congress of the United States to grant to this state a quantity of land to consist of not more than four nor less than one section, or to give to this state the right of pre-emption in the purchase of the said quantity of land; the said land to be situate on the Kaskaskia river and as near as may be east of the third principal meridian, on said river. Should the prayer of such petition be granted, the general assembly at their next session thereafter shall provide for the appointment of five commissioners to make the selection of said land so granted, and

shall further provide for laying out a town upon the land so selected, which town so laid out shall be the seat of government of this state for the term of twenty years. Should however the prayer of said petition not be granted, the general assembly shall have power to make such provision for a permanent seat of government as may be necessary and shall fix the same where they may think best.

SECT. 14. Any person of thirty years of age who is a citizen of the United States and has resided within the limits of this state two years, next preceding his election, shall be eligible to the office of lieutenant governor—anything in the thirteenth section of the third article of this constitution contained to the contrary notwithstanding.

Done in convention at Kaskaskia, the twentysixth day of August, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States of America, the fortythird.

In Testimony Whereof, We have hereunto subscribed our names.

JESSE B THOMAS President of the Convention and representative from the County of St. Clair.

St. Clair County—
John Messinger
James Lemen Jr.

Randolph County—
George Fisher
Elias Kent Kane

Madison County—
B. Stephenson
Joseph Borough
Abraham Prickett

Gallatin County—
Michael Jones
Leond White
Adolphus Frederick Hubbard

Monroe County—
Caldw Carns
Enoch Moore

Pope County—
Samuel Omelveny
Hamlet Ferguson

Jackson County—
Conrad Will
James Hall Jr.

Crawford County—
Joseph Kitchell
Ed. N Cullom

Bond County—
Thos Kirkpatrick
Samuel G. Morse

Johnson County—
Hezekiah West
William Mcfatridge

Edwards County—
Seth Gard
Levi Compton
White County—
Willis Hargrave
William McHenry

Union County—
William Echols
John Whiteaker
Washington County—
Andrew Bankson
Franklin County—
Isham Harrison
Thomas Roberts

Attest,
Wm C GREENUP,
Secretary to the Convention.

CONSTITUTION OF 1848

CONSTITUTION OF 1848[1]

PREAMBLE[2]

We, the people of the State of Illinois—(grateful to Almighty God, for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations)—in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois.

ARTICLE I

Boundaries

SECTION 1. The boundaries and jurisdiction of the State shall be as follows, to wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said state; thence east, with the line of the same state, to the middle of Lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence, down along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its north-western shore, to the place of beginning.

Provided, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this state, and the state of Kentucky.

[1] Adopted in convention at Springfield, August 31, 1847; ratified by the people, March 6, 1848; in force, April 1, 1848.

[2] The original manuscript contains no title.

ARTICLE II

Concerning the Distribution of the Powers of Government.

SECTION 1. The powers of the government of the State of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and, those which are judicial, to another.

County of Richland *v.* County of Lawrence, *12 Ill.*, 1; Beesman *v.* City of Peoria, *16 Ill.*, 484; People *ex rel. v.* Bissell, *19 Ill.*, 229; Hall *v.* Marks, *34 Ill.*, 358.

SECTION 2. No person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted, and all facts in contravention of this section shall be void.

Bruffett *et al. v.* Great Western Railroad Company of 1859, *25 Ill.*, 353; Parmelee *et al. v.* Lawrence, *48 Ill.*, 331.

ARTICLE III

Of the Legislative Department

SECTION 1. The legislative authority of this State shall be vested in a General Assembly; which shall consist of a Senate and House of Representatives, both to be elected by the people.

Jackson *v.* Kemble, *18 Ill.*, 580; Wood *v.* Blanchard, *19 Ill.*, 38; Prettyman *v.* Supervisors of Tazewell County *et al.*, *19 Ill.*, 406; Roberts *v.* Thomson *et al.*, *28 Ill.*, 79; Illinois Mutual Fire Insurance Company *v.* City of Peoria, *29 Ill.*, 180; Roberts *v.* Ogle, *30 Ill.*, 459; Poppen *v.* Holmes, *44 Ill.*, 360; Hunter *v.* Hatch, *45 Ill.*, 178; Silver *v.* People *ex rel.*, *45 Ill.*, 224; Rozier *v.* Fagan *et al.*, *46 Ill.*, 404; McVeagh *v.* City of Chicago *et al.*, *49 Ill.*, 318; Kettering *v.* City of Jacksonville, *50 Ill.*, 39; Erlinger *v.* Boneau, *51 Ill.*, 94; Yeazel *v.* Alexander *et al.*, *58 Ill.*, 254; Marshall *et al. v.* Silliman *et al.*, *61 Ill.*, 218.

SECTION 2. The first election for senators and representatives shall be held on the Tuesday after the first Monday in November, one thousand, eight hundred and forty-eight; and thereafter, elections for members of the General Assembly shall be held once in

two years, on the Tuesday next after the first Monday in November, in each and every county, at such places therein as may be provided by law.

SECTION 3. No person shall be a representative who shall not have attained the age of twenty-five years; who shall not be a citizen of the United States, and three years an inhabitant of this State; who shall have not resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover have paid a state or county tax.

SECTION 4 No person shall be a senator who shall not have attained the age of thirty years; who shall not be a citizen of the United States, five years an inhabitant of this state, and one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected, but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax.

SECTION 5. The senators at their first session herein provided for shall be divided by lot, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year, so that one half thereof, as near as possible may be biennially chosen forever thereafter.

SECTION 6 The Senate shall consist of twenty-five members, and the House of Representatives shall consist of seventy-five members, until the population of the state shall amount to one million of souls, when five members may be added to the House, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred, after which, the number shall neither be increased

nor diminished: to be apportioned among the several counties according to the number of white inhabitants: In all future apportionments when more than one county shall be thrown into a representative district all the representatives to which said counties may be entitled, shall be elected by the entire district

SECTION 7 No person elected to the General assembly shall receive any civil appointment within this state, or to the Senate of the United States, from the Governor, the Governor and senate or from the General assembly during the term for which he shall have been elected, and all such appointments and all votes given for any such member, for any such office or appointment shall be void. Nor shall any member of the General Assembly be interested either directly or indirectly in any contract with the state, or any county thereof authorized by any Law passed during the time for which he shall have been elected or during one year after the expiration thereof

SECTION 8 In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the inhabitants of this state shall be made in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted by the General Assembly as the enumeration of this state: and the number of senators and representatives shall at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants

SECTION 9 Senatorial and representative districts shall be composed of contiguous territory bounded by county lines: and only one Senator allowed, to each senatorial, and not more than three representatives to any representative district *provided,* that cities and towns containing the requisite population may be erected into separate districts

SECTION 10 In forming senatorial and representative districts, counties containing a population of not more than one fourth over the existing ratio shall form separate districts, and the excess shall be given to the nearest county or counties not having a sena-

tor or representative, as the case may be, which has the largest white population

SECTION 11 The first session of the General Assembly shall commence on the first Monday of January one thousand eight hundred and forty-nine; and forever after the General Assembly shall meet on the first Monday of January next ensuing the election of the members thereof, and at no other period—unless as provided by this constitution.

SECTION 12 The Senate and House of Representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the Senate excepted.) Each House shall judge of the qualifications and election of its members, and sit upon its own adjournments. Two thirds of each House shall constitute a quorum; but, a smaller number may adjourn from day to day, and compel the attendance of absent members.

People *ex rel. v.* Hatch, *33 Ill.*, 9.

SECTION 13 Each House shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals.

People *ex rel. v.* Hatch, *33 Ill.*, 9; People *ex rel. v.* Starne, *35 Ill.*, 121; Illinois Central Railroad Company *v.* Wren, *43 Ill.*, 77; Ryan *v.* Lynch *et al.*, *68 Ill.*, 160; see Neiberger *v.* McCullough *et al.*, *253 Ill.*, 312.

SECTION 14. Any two members of either House shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals.

SECTION 15. Each House may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds of all the members elected, expel a member but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal with the names of the members voting on the question.

SECTION 16. When vacancies shall happen in either House, the Governor, or the person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

SECTION 17. Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SECTION 18 Each House may punish by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in their presence; Provided, such imprisonment shall not at any one time, exceed twenty-four hours.

SECTION 19 The doors of each House and of Committees of the whole shall be kept open, except in such cases as, in the opinion of the House, require secresy. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 20. The style of the laws of this state shall be; *"Be it enacted by the people of the state of Illinois, represented in the General Assembly."*

SECTION 21. Bills may originate in either House, but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by ayes and noes, and shall be entered on the journal, and no bill shall become a law, without the concurrence of a majority of all the members elect in each House.

People *ex rel. v.* Starne, *35 Ill.*, 121; Ryan *v.* Lynch *et al.*, *68 Ill.*, 160; see Neiberger *v.* McCullough *et al.*, *253 Ill.*, 312.

SECTION 22. Bills making appropriations for the pay of the members and officers of the General Assembly, and for the salaries of the officers of the government, shall not contain any provision on any other subject.

People *ex rel. v.* Beveridge, *38 Ill.*, 307.

SECTION 23. Every bill shall be read on three different days in each House, unless, in case of urgency, three fourths of the House where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both Houses, shall be signed by the speakers of their respective Houses; and no private or local law which may be passed by the General Assembly shall embrace more than one subject, and that shall be expressed in the

title. And no public act of the General Assembly shall take effect, or be in force until the expiration of sixty days from the end of the session at which the same may be passed, unless in case of emergency, the General Assembly shall otherwise direct.

Belleville and Illinoistown Railroad Company *v.* Gregory, *15 Ill.*, 20; Wheeler *v.* Chubbuck, *16 Ill.*, 361; O'Leary *v.* County of Cook, *28 Ill.*, 534; People *ex rel. v.* Mellen, *32 Ill.*, 181; Board of Supervisors of Iroquois County *et al. v.* Keady, *34 Ill.*, 293; People *ex rel. v.* Starne, *35 Ill.*, 121; Prescott *v.* City of Chicago, *60 Ill.*, 121; President and Trustees of Lockport *v.* Gaylord, *61 Ill.*, 276; Ryan *v.* Lynch *et al.*, *68 Ill.*, 160; Town of Abington *v.* Cabeen, *106 Ill.*, 200; Leach *v.* People *ex rel.*, *122 Ill.*, 420.

SECTION 24. The sum of two dollars per day, for the first forty-two day's attendance, and one dollar per day for each day's attendance thereafter, and ten cents for each necessary miles travel going to and returning from the seat of government, shall be allowed to the members of the General Assembly, as a compensation for their services, and no more. The speaker of the House of Representatives shall be allowed the sum of one dollar per day in addition to his per diem as a member.

SECTION 25 The per diem and milage allowed to each member of the General Assembly shall be certified by the speakers of their respective Houses, and entered on the journals and published at the close of each session.

SECTION 26. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws at the rising of each session of the General Assembly. And no person who has been or may be a collector or holder of public moneys shall be eligible to a seat in either House of the General Assembly, nor be eligible to any office of profit or trust in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

People *ex rel. v.* Beveridge, *38 Ill.*, 307.

SECTION 27. The House of Representatives shall have the sole power of impeaching; but majority of all the members elected must concur in an impeachment. All impeachments shall be tried

by the Senate; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two thirds of the Senators elected.

SECTION 28. The Governor and other civil officers under this state shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust, under this state. The party, whether convicted, or acquitted, shall nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

SECTION 29. No judge of any court of law or equity, Secretary of State, Attorney[3] General, Attorney[4] for the State, recorder, clerk of any Court of record, sheriff or collector, member of either House of Congress, or person holding any lucrative office under the United States, or of this state,—provided that appointments in the militia, or justices of the peace, shall not be considered lucrative offices—shall have a seat in the General Assembly; nor shall any person holding any office of honor or profit under the government of the United States hold any office of honor or profit under the authority of this state.

Dickson *v.* People, *17 Ill.*, 191.

SECTION 30. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office.

SECTION 31. The General Assembly shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury or other infamous crime.

See Christie *v.* People, *206 Ill.*, 337.

SECTION 32 The General Assembly shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; *Provided,* that such laws be general and uniform in their operation.

SECTION 33. The General Assembly shall never grant or au-

[3] In the original manuscript the word "attorney" appears "attoney."
[4] In the original manuscript the word "attorney" appears "attoney."

thorize extra compensation to any public officer, agent, servant, or contractor, after the service shall have been rendered, or the contract entered into.

People *ex rel. v.* Beveridge, *38 Ill.*, 307.

SECTION 34 The General Assembly shall direct by law in what manner suits may be brought against the state.

SECTION 35. The General Assembly shall have no power to authorize lotteries for any purpose, nor to revive or extend the charter of the state bank, or the charter of any other bank heretofore existing in this state, and shall pass laws to prohibit the sale of lottery tickets in this state.

SECTION 36. The General Assembly shall have no power to authorize, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any individual or individuals.

SECTION 37 Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of each House, nor exceed the amount of revenue authorized by law to be raised in such time; *Provided,* the state may, to meet casual deficits or failures in revenues, contract debts never to exceed in the aggregate fifty thousand dollars; and the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to repay the debt thus made, and to no other purpose; and no other debt except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, (for payment of which the faith of the state shall be pledged) shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months at least before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually[5] as it shall accrue, by a tax levied for the pur-

[5] In the original manuscript the word "annually" appears "annualy."

pose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt be paid; *and provided further* that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SECTION 38. The credit of the State shall not, in any manner, be given to, or in aid of any individual, association or corporation.

Prettyman *v.* Supervisors of Tazewell County *et al.*, *19 Ill.*, 406; Robertson *et al. v.* City of Rockford, *21 Ill.*, 451; Johnson *v.* County of Stark, *24 Ill.*, 75.

SECTION 39 The General Assembly shall provide by law that the fuel and stationery furnished for the use of the state; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly shall be let, by contract, to the lowest responsible bidder: and that no member of the General Assembly, or other officer of the state shall be interested either directly or indirectly in any such contract: *Provided,* that the General Assembly may fix a maximum price.

SECTION 40. Until there shall be a new apportionment of Senators and Representatives the state shall be divided into Senatorial and Representative districts, and the senators and representatives, shall be apportioned among the several districts, as follows; viz.:

Senatorial Districts

1. The counties of Alexander, Union, Pulaski, Johnson, Massac, Pope and Hardin. Shall constitute the first Senatorial district, and shall be entitled to one senator.

2. The counties of Gallatin, Saline, Williamson, Franklin and White shall constitute the second senatorial district, and be entitled to one Senator.

3. The counties of Jefferson, Wayne, Marion and Hamilton shall constitute the third senatorial district, and be entitled to one senator.

4. The counties of Washington, Perry, Randolph and Jackson shall constitute the fourth senatorial district, and be entitled to one Senator.

5. The counties of Saint Clair and Monroe shall constitute the fifth senatorial district, and be entitled to one senator.

6. The counties of Madison and Clinton shall constitute the sixth senatorial district, and be entitled to one senator.

7. The counties of Christian, Shelby, Montgomery, Bond and Fayette shall constitute the seventh senatorial district, and be entitled to one senator.

8. The counties of Effingham, Jasper, Clay, Richland, Lawrence, Edwards and Wabash shall constitute the eighth senatorial district, and be entitled to one senator.

9. The counties of Edgar, Clark and Crawford shall constitute the ninth senatorial district, and be entitled to one senator.

10. The counties of Vermilion, Champaign, Piatt, Moultrie,[6] Coles and Cumberland shall constitute the tenth Senatorial district, and be entitled to one senator.

11. The counties of Tazewell, McLean, Logan, DeWitt and Macon shall constitute the eleventh senatorial district, and be entitled to one senator.

12. The counties of Sangamon, Menard and Mason shall constitute the twelfth senatorial district, and be entitled to one senator.

13. The counties of Macoupin, Jersey, Greene, and Calhoun shall constitute the thirteenth senatorial district, and be entitled to one senator.

14. The counties of Morgan, Scott and Cass shall constitute the fourteenth senatorial district, and be entitled to one senator.

15. The counties of Adams and Pike shall constitute the fifteenth senatorial district, and be entitled to one senator.

16. The counties of McDonough, Schuyler, Brown and Highland[7] shall constitute the sixteenth senatorial district, and be entitled to one senator.

17. The counties of Hancock and Henderson shall constitute the seventeenth senatorial district, and be entitled to one Senator.

[6] In the original manuscript the word "Moultrie" appears "Moutrie."

[7] Highland county was authorized by an act of the general assembly in 1847 (*Laws of 1847*, p. 38), but the organization of the new county was never completed.

18. The counties of Fulton and Peoria shall constitute the eighteenth senatorial district, and be entitled to one senator.

19. The counties of Rock Island, Henry, Mercer, Warren, Knox and Stark shall constitute the nineteenth senatorial district, and be entitled to one senator.

20. The counties of LaSalle, Bureau, Putnam, Marshall, Woodford, Livingston and Grundy shall constitute the twentieth senatorial district, and be entitled to one senator.

21. The counties of DuPage, Kendall, Will and Iroquois shall constitute the twenty-first senatorial district, and be entitled to one senator.

22. The counties of Ogle, Lee, DeKalb and Kane shall constitute the twenty-second senatorial district, and be entitled to one senator.

23. The counties of JoDaviess, Stephenson, Carroll, and Whiteside shall constitute the twenty-third senatorial district, and be entitled to one senator.

24. The counties of McHenry, Boone and Winnebago shall constitute the twenty-fourth senatorial district and be entitled to one senator.

25. The counties of Cook and Lake shall constitute the twenty-fifth senatorial district, and be entitled to one senator.

Representative Districts

1. The counties of Union, Alexander and Pulaski shall constitute the first representative district, and be entitled to one representative.

2. The counties of Massac, Pope and Hardin shall constitute the second representative district, and be entitled to one representative.

3. The counties of Gallatin and Saline shall constitute the third representative district, and be entitled to one representative.

4. The counties of Johnson and Williamson shall constitute the fourth representative district, and be entitled to one representative.

5. The counties of Jackson and Franklin shall constitute the fifth representative district and be entitled to one representative.

6. The counties of Marion, Jefferson, Wayne, and Hamilton shall constitute the sixth representative district, and be entitled to three representatives; *Provided,* that no county in said district shall have more than one of said representatives, and the county from which a senator shall be selected shall not be entitled[8] to a representative residing in said county.

7. The county of White shall constitute the seventh representative district, and be entitled to one representative.

8. The counties of Wabash and Edwards shall constitute the eighth representative district, and be entitled to one representative.

9. The counties of Lawrence and Richland shall constitute the ninth representative district, and be entitled to one representative.

10. The counties of Crawford and Jasper shall constitute the tenth representative district, and be entitled to one representative.

11. The county of Coles shall constitute the eleventh representative district, and be entitled to one representative.

12. The county of Clark shall constitute the twelfth representative district, and be entitled to one representative.

13. The counties of Cumberland, Effingham and Clay shall constitute the thirteenth representative district, and be entitled to one representative.

14. The county of Fayette shall constitute the fourteenth representative district, and be entitled to one representative.

15. The counties of Montgomery, Bond and Clinton shall constitute the fifteenth representative district, and be entitled to two representatives.

16. The counties of Washington and Perry shall constitute the sixteenth representative district, and be entitled to one representative.

17. The county of Randolph shall constitute the seventeenth representative district, and be entitled to one representative.

18. The county of Monroe shall constitute the eighteenth representative district, and be entitled to one representative.

19. The county of Saint Clair shall constitute the nineteenth representative district, and be entitled to two representatives.

[8] In the original manuscript the phrase "shall not be entitled" appears twice in this sentence.

20. The county of Madison shall constitute the twentieth representative district, and be entitled to two representatives.

21. The county of Macoupin shall constitute the twenty-first representative district, and be entitled to one representative district.

22. The counties of Jersey and Greene shall constitute the twenty second representative district, and be entitled to two representatives.

23. The county of Scott shall constitute the twenty third representative district, and be entitled to one representative.

24. The county of Morgan shall constitute the twenty fourth representative district, and be entitled to two representatives.

25. The counties of Cass and Menard shall constitute the twenty-fifth representative district, and be entitled to one representative.

26. The County of Sangamon shall constitute the twenty sixth representative district, and be entitled to two representatives.

27. The counties of Mason and Logan shall constitute the twenty seventh representative district, and be entitled to one representative.

28. The county of Tazewell shall constitute the twenty eighth representative district, and be entitled to one representative.

29. The counties of McLean and DeWitt shall constitute the twenty ninth representative district, and be entitled to one representative.

30. The county of Vermilion shall constitute the thirtieth representative district, and be entitled to one representative.

31. The county of Edgar shall constitute the thirty first representative district, and be entitled to one representative.

32. The counties of Champaign, Piatt, Moultrie and Macon shall constitute the thirty second representative district, and be entitled to one representative.

33. The counties of Shelby and Christian shall constitute the thirty third representative district, and be entitled to one representative.

34. The counties of Pike and Calhoun shall constitute the

thirty fourth representative district, and be entitled to two representatives.

35. The Counties of Adams, Highland[9] and Brown shall constitute the thirty fifth representative district, and be entitled to three representatives.

36. The county of Schuyler shall constitute the thirty sixth representative district, and be entitled to one representative.

37. The county of Hancock shall constitute the thirty seventh representative district, and be entitled to two representatives.

38. The county of McDonough shall constitute the thirty eighth representative district, and be entitled to one representative.

39. The county of Fulton shall constitute the thirty ninth representative district, and be entitled to two representatives

40. The county of Peoria shall constitute the fortieth representative district, and be entitled to one representative.

41. The county of Knox shall constitute the forty first representative district, and be entitled to one representative.

42. The counties of Mercer, Warren and Henderson shall constitute the forty-second representative district, and be entitled to two representatives.

43. The counties of Rock-Island, Henry and Stark shall constitute the forty third representative district, and be entitled to one representative.

44. The counties of Whiteside and Lee shall constitute the forty fourth representative district, and be entitled to one representative.

45. The counties of Carroll and Ogle shall constitute the forty fifth representative district, and be entitled to one representative.

46. The counties of Jo Daviess and Stephenson shall constitute the forty sixth representative district, and be entitled to two representatives.

47. The county of Winnebago shall constitute the forty seventh representative district, and be entitled to one representative.

48. The counties of Putnam, Marshall and Woodford shall constitute the forty eighth representative district, and be entitled to one representative.

[9] See *ante*, n. 7.

49. The counties of LaSalle, Grundy, Livingston and Bureau shall constitute the forty-ninth representative district, and be entitled to two representatives.

50. The counties of Dupage, Kendall, Will and Iroquois shall constitute the fiftieth representative district, and be entitled to three representatives.

51. The counties of Kane and DeKalb shall constitute the fifty first representative district, and be entitled to two representatives.

52. The counties of Boone and McHenry shall constitute the fifty second representative district, and be entitled to two representatives.

53. The county of Lake shall constitute the fifty third representative district, and be entitled to one representative.

54. The county of Cook shall constitute the fifty fourth representative district, and be entitled to two representatives.

SECTION 41. Until the General Assembly shall otherwise provide, the clerks of the county commissioner's courts in each of the aforesaid senatorial districts, and in such of the representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the votes given at such election, and the said clerks shall in all other respects conform to the laws, on the subject in force at the time of the adoption of this Constitution.

ARTICLE IV

Of the Executive Department

SECTION 1. The executive power of the state shall be vested in a governor.

SECTION 2. The first election of governor shall be held on Tuesday next after the first Monday in November, A. D. 1848; and the next election shall be held on Tuesday next after the first Monday of November A. D. 1852; and thereafter an election for governor shall be held once in four years on Tuesday next after the first Monday in November. The governor shall be chosen by the electors of the members of the General Assembly at the same places

and in the same manner that they shall respectively vote for members thereof. The returns for every election of governor shall be sealed up, and transmitted to the seat of government by the returning officers, directed to the speaker of the House of representatives, who shall open and publish them in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes shall be governor: but if two or more be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by both Houses of the General Assembly in such manner as shall be prescribed by law.

SECTION 3. The first governor shall enter upon the duties of his office, on the second Monday of January, A. D. 1849; and shall hold his office until the second Monday of January, A. D. 1853, and until his successor shall have been elected and qualified; and thereafter the governor shall hold his office for the term of four years, and until his successor shall have been elected and qualified; but he shall not be eligible to such office more than four years in any term of eight years, nor to any other office until after the expiration of the term for which he was elected.

SECTION 4. No person except a citizen of the United States shall be eligible to the office of governor; nor shall any person be eligible to that office who shall not have attained the age of thirty five years, and been ten years a resident of this state, and fourteen years a citizen of the United States.

SECTION 5 The governor shall reside at the seat of government, and receive a salary of fifteen hundred dollars per annum, which shall not be increased or diminished; and he shall not, during the time for which he shall have been elected, receive any emolument from the United States, or either of them.

SECTION 6. Before he enters upon the duties of his office, he shall take the following oath or affirmation, to wit: "I do solemnly swear—or affirm—that I will faithfully execute the duties appertaining to the office of governor of the State of Illinois; and will, to the best of my ability, preserve, protect, and defend the consti-

tution of this state; and will, also, support the constitution of the United States"

SECTION 7. He shall from time to time give the General Assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SECTION 8. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall pardon the convict commute the sentence, direct the execution thereof, or grant a further reprieve. He shall, biennially, communicate to the General Assembly each case of reprieve, commutation or pardon granted; stating the name of the convict, the crime for which he was convicted, the sentence, and its date, and the date of commutation, pardon or reprieve.

SECTION 9. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SECTION 10. He may on extraordinary occasions, convene the General Assembly by proclamation, and shall state in said proclamation the purpose for which they are to convene, and the General Assembly shall enter on no legislative business except that for which they were specially called together.

SECTION 11. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

SECTION 12. The governor shall nominate, and, by and with the advice and consent of the senate, (a majority of all the senators concurring), appoint all officers, whose offices are established by this Constitution, or which may, be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

Bunn *et al. v.* People *ex rel.*, *45 Ill.*, 397.

SECTION 13. In case of disagreement between the two Houses with respect to the time of adjournment, the governor shall have power to adjourn the General Assembly to such time as he thinks proper, *provided,* it be not to a period beyond the next constitutional meeting of the same.

People *ex rel. v.* Hatch, *33 Ill.*, 9.

SECTION 14. A lieutenant governor shall be chosen at every election of governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor

SECTION 15. The lieutenant governor shall, by virtue of his office, be speaker of the senate; have a right when in committee of the whole, to debate and vote on all subjects, and, whenever the Senate are equally divided, to give the casting vote.

SECTION 16. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the Senate, the senators shall elect one of their own number as speaker for that occasion; and if during the vacancy of the office of governor the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign or die, or be absent from the state, the speaker of the Senate shall, in like manner, administer the government.

SECTION 17. The lieutenant governor, while he acts as speaker of the Senate, shall receive for his service, the same compensation which shall, for the same period, be allowed to the speaker of the House of Representatives, and no more.

SECTION 18. If the lieutenant governor shall be called upon to administer the government, and shall while in such administration, resign, die, or be absent from the state, during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being, to convene the Senate for the purpose of choosing a speaker.

SECTION 19 In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve

upon the lieutenant governor, and in case of his death, resignation or removal, then upon the speaker of the Senate for the time being, until the governor, absent or impeached, shall return or be acquitted; or until the disqualification or inability shall cease, or until a new governor shall be elected and qualified.

SECTION 20. In case of a vacancy in the office of governor, for any other cause than those herein enumerated; or in case of the death of the governor elect before he is qualified, the powers, duties and emoluments of the office shall devolve upon the lieutenant governor, or speaker of the Senate, as above provided until a new governor be elected and qualified.

SECTION 21. Every bill which shall have passed the Senate and House of Representatives shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it shall have originated; and the said House shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected, shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered; and if approved by a majority of the members elected, it shall become a law, notwithstanding the objections of the governor; but in all such cases, the votes of both Houses shall be determined by yeas and nays, to be entered on the journal of each House respectively. If any bill shall not be returned by the governor within ten days—(Sundays excepted)—after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly shall by their adjournment, prevent its return; in which case the said bill shall be returned on the first day of the meeting of the General Assembly after the expiration of said ten days, or be a law.

People *ex rel. v.* Hatch, *33 Ill.*, 9.

SECTION 22. There shall be elected by the qualified electors of this state, at the same time of the election for governor, a Secretary of State, whose term of office shall be the same as that of the governor, who shall keep a fair register of the official acts of the governor, and when required, shall lay the same, and all papers,

minutes and vouchers relative thereto, before either branch of the General Assembly; and shall perform such other duties as shall be assigned him by law, and shall receive a salary of eight hundred dollars per annum, and no more, except fees. *Provided,* That if the office of Secretary of State, should be vacated by death, resignation or otherwise, it shall be the duty of the governor to appoint another who shall hold his office until another Secretary shall be elected and qualified.

SECTION 23. There shall be chosen by the qualified electors throughout the state an Auditor of Public Accounts, who shall hold his office for the term of four years, and until his successor is qualified, and whose duties shall be regulated by law, and who shall receive a salary, exclusive of clerk hire of one thousand dollars per annum for his services, and no more.

People *ex rel. v.* Hatch, *33 Ill.*, 9.

SECTION 24. There shall be elected by the qualified electors throughout the state, a state treasurer, who shall hold his office for two years, and until his successor is qualified; whose duties may be regulated by law, and who shall receive a salary of eight hundred dollars per annum, and no more.

SECTION 25. All grants and commissions shall be sealed with the great seal of state, signed by the governor or person administering the government, and countersigned by the Secretary of State.

SECTION 26. The governor and all other civil officers, shall be liable to impeachment for misdemeanor in office, during their continuance in office, and for two years thereafter.

ARTICLE V

Of the Judiciary Department

SECTION 1. The judicial power of this State shall be, and is hereby vested in one supreme court, in circuit courts, in county courts, and in justices of the peace: provided, that inferior local courts of civil and criminal jurisdiction may be established by the General Assembly in the cities of this state, but such courts shall have a uniform organization and jurisdiction in such cities.

People *v.* Maynard, *14 Ill.*, 419; Perry *v.* People, *14 Ill.*, 496; Solomon *v.* People, *15 Ill.*, 291; McDonnell *v.* Olwell *et al.*, *17 Ill.*, 375; Stow *v.* People, *25 Ill.*, 81; Rowe *v.* Bowen, *28 Ill.*, 116; Board of Supervisors of Bureau County *v.* Chicago, Burlington, and Quincy Railroad Company, *44 Ill.*, 229; Poppen *v.* Holmes, *44 Ill.*, 360; Holmes *v.* Fihlenburg, *54 Ill.*, 203; Reid *et al. v.* Morton, *119 Ill.*, 118.

SECTION 2. The supreme court shall consist of three judges, two of whom shall form a quorum; and the concurrence of two of said judges shall in all cases be necessary to a decision.

SECTION 3. The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years; *provided,* that after the first election of such judges the General Assembly may have the power to provide by law, for their election by the whole state, or by divisions, as they may deem most expedient.

SECTION 4. The office of one of said judges shall be vacated after the first election held under this article in three years, of one in six years, and of one in nine years, to be decided by lot, so that one of said judges shall be elected once in every three years; The judge having the longest term to serve, shall be the first chief justice, after which the judge having the oldest commission shall be chief justice.

SECTION 5 The supreme court may have original jurisdiction in cases relative to the revenue, in cases of *mandamus, habeas corpus,* and in such cases of impeachment as may be by law directed to be tried before it; and shall have appellate jurisdiction in all other cases.

Crull *v.* Keener, *17 Ill.*, 246; Campbell *v.* Campbell, *22 Ill.*, 664; People *ex rel. v.* Smith, *51 Ill.*, 177; St. Louis and Southeastern Railway Company *v.* Lux, *63 Ill.*, 523.

SECTION 6. The supreme court shall hold one term annually in each of the aforesaid grand divisions, at such time and place in each of said divisions as may be provided for by law.

SECTION 7. The state shall be divided into nine judicial districts, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of

six years, and until his successor shall be commissioned and qualified; *provided,* that the General Assembly may increase the number of circuits to meet the future exigencies of the State.

People *v.* Dubois, *23 Ill.*, 547; People *v.* Bangs, *24 Ill.*, 184.

SECTION 8. There shall be two or more terms of the circuit court held annually in each county of this state at such times as shall be provided by law, and said courts shall have jurisdiction in all cases at law and equity and in all cases of appeals from all inferior courts.

Burns *v.* Henderson, *20 Ill.*, 264; Lansing *v.* Hunter, *25 Ill.*, 247; Ohio and Mississippi Railroad Company *v.* Lawrence County, *27 Ill.*, 50.

SECTION 9. All vacancies in the supreme and circuit courts shall be filled by election as aforesaid; *Provided, however,* that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.

SECTION 10. The judges of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The judges of the circuit courts shall receive a salary of one thousand dollars per annum, payable quarterly, and no more. The judges of the supreme and circuit courts shall not be eligible to any other office or public trust of profit in this state, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office (except that of judge of the supreme or circuit court,) given by the General Assembly or the people, shall be void.

See People *ex rel. v.* Lippincott, *67 Ill.*, 333.

SECTION 11. No person shall be eligible to the office of judge of any court of this state who is not a citizen of the United States, and who shall not have resided in this state five years next preceding his election, and who shall not for two years next preceding his election, have resided in the division, circuit, or county in which he shall be elected. Nor shall any person be elected judge of the supreme court who shall be at the time of his election under the age of thirty-five years. And no person shall be eligible to the office of judge of the circuit court until he shall have attained the age of thirty years.

People *v.* Wilson, *15 Ill.*, 388.

SECTION 12 For any reasonable cause to be entered on the journals of each House, which shall not be sufficient ground for impeachment, both justices of the supreme court, and judges of the circuit court, shall be removed from office on the vote of two-thirds of the members elected to each branch of the General Assembly; *Provided always,* that no member of either House of the General Assembly, shall be eligible to fill the vacancy occasioned by such removal; *provided also,* that no removal shall be made, unless the justice or judge complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his defence.

SECTION 13. The first election for justices of the supreme court, and judges of the circuit courts, shall be held on the first Monday of September 1848.

SECTION 14. The second election for one justice of the supreme court, shall be held on the first Monday of June, 1852, and every three years thereafter, an election shall be held for one justice of the supreme court.

SECTION 15. On the first Monday of June, 1855, and every sixth year thereafter, an election shall be held for judges of the circuit courts. *Provided,* whenever an additional circuit is created, such provision may be made as to hold the second election of such additional judge, at the regular election herein provided.

SECTION 16. There shall be in each county a court to be called a county court.

SECTION 17. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until such successor is elected and qualified.

SECTION 18. The jurisdiction of said court shall extend to all probate and such other jurisdiction as the General Assembly may confer in civil cases, and such criminal cases as may be prescribed bylaw where the punishment is by fine only, not exceeding one hundred dollars.

Board of School Inspectors of the City of Peoria *v.* People, *20 Ill.*, 525.

SECTION 19. The county judge, with such justices of the peace in each county as may be designated by law, shall hold terms for the

transaction of county business, and shall perform such other duties as the General Assembly shall prescribe. *Provided,* the General Assembly may require, that two justices to be chosen by the qualified electors of each county shall sit with the county judge in all cases; and there shall be elected quadrennially in each county, a clerk of the county court, who shall be *ex officio* recorder, whose compensation shall be fees. *Provided,* the General Assembly may by law, make the clerk of the circuit court *exofficio* recorder, in lieu of the county clerk.

SECTION 20 The General Assembly shall provide for the compensation of the county judge.

SECTION 21. The clerks of the supreme and circuit courts, and state's attorneys shall be elected at the first special election for judges. The second election for clerks of the supreme court, shall be held on the first Monday of June, 1855, and every sixth year thereafter. The second election for clerks of the circuit courts and state's attorneys shall be held on the Tuesday next after the first Monday of November, 1852, and every fourth year thereafter.

SECTION 22. All judges and state's attorneys shall be commissioned by the governor.

SECTION 23. The election of all officers, and the filling of all vacancies that may happen by death, resignation or removal, not otherwise directed or provided for by this constitution, shall be made in such manner as the General Assembly shall direct, provided that no such officer shall be elected by the General Assembly.

Bunn *et al. v.* People *ex rel.*, *45 Ill.*, 397.

SECTION 24. The General Assembly may authorize the judgments, decrees and decisions of any local, inferior court of record, of original, civil or criminal jurisdiction, established in a city, to be removed for revision, directly into the supreme court.

SECTION 25. County Judges, clerks, sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office shall be liable to presentment or indictment by a grand jury, and trial by a petit[10] jury, and upon conviction, shall be removed from office.

[10] **In the original manuscript the word "petit" appears "pettit."**

SECTION 26. All process, writs and other proceedings shall run in the name of *"The people of the State of Illinois."* All prosecutions shall be carried on *"In the name and by the authority of the people of the State of Illinois,"* and conclude, *"against the peace and dignity of the same."*

Donnelly *v.* People *ex rel.*, *11 Ill.*, 552; McFadden *v.* Fortier, *20 Ill.*, 509; Leighton *v.* Hall, *31 Ill.*, 108.

SECTION 27. There shall be elected in each county in this state, in such districts as the General Assembly may direct, by the qualified electors thereof, a competent number of justices of the peace, who shall hold their offices for the term of four years, and until their successors shall have been elected and qualified, and who shall perform such duties, receive such compensation, and exercise such jurisdiction as may be prescribed bylaw.

People *v.* Maynard, *14 Ill.*, 419; *in re* James Welsh, *17 Ill.*, 161.

SECTION 28. There shall be elected in each of the judicial circuits of this state, by the qualified electors thereof, one states attorney, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified, who shall perform such duties and receive such compensation as may be prescribed by law. *Provided,* That the General Assembly may hereafter provide by law for the election by the qualified voters of each county in this state of one county attorney for each county, in lieu of the state's attorneys provided for in this section. The term of office, duties and compensation of which county attorneys shall be regulated by law.

SECTION 29. The qualified electors of each county in this state shall elect a clerk of the circuit court, who shall hold his office for the term of four years, and until his successor shall have been elected and qualified, who shall perform such duties and receive such compensation as may be prescribed by law. The clerks of the supreme court shall be elected in each division by the qualified electors thereof, for the term of six years, and until their successors shall have been elected and qualified; whose duties and compensation shall be provided bylaw.

SECTION 30. The first grand division, for the election of Judges

of the Supreme Court, shall consist of the counties of Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline Williamson, Johnson, Union, Jackson, Randolph, Perry, Franklin, Hamilton, White Wabash, Edwards, Wayne, Jefferson, Washington, Monroe, Saint Clair, Clinton, Marion Clay, Richland, Lawrence, Crawford, Jasper Effingham, Fayette, Bond, Madison, Jersey and Calhoun

The Second grand division shall consist of the counties of Edgar, Coles, Moultrie Shelby, Montgomery, Macoupin, Green Pike Adams, Highland,[11] Hancock, McDonough, Schuyler Brown, Fulton, Mason Cass Morgan Scott Sangamon, Christian Macon Piatt Champaign Vermilion De Witt Logan Menard Cumberland and Clark

The Third grand division shall consist of the counties of Henderson, Warren Knox Peoria Tazewell, Woodford, McLean Livingston, Iroquois, Will, Grundy Kendall Lasalle Putnam, Marshall, Stark, Bureau Henry Mercer Rock-Island Whiteside Lee Carroll Jo-Daviess, Stephenson Winebago, Ogle, De Kalb, Boone Kane McHenry Lake, Cook and Du Page.

SECTION 31. The Terms of the Supreme Court for the first division shall be held at Mount Vernon in Jefferson County: for the second division, at Springfield in Sangamon County: for the third division at Ottawa in La Salle County, until some other place in either division is fixed by law

SECTION 32. Appeals and writs of error may be taken from the Circuit Court of any county to the Supreme Court held in the division which includes such county, or with the consent of all the parties in the cause, to the Supreme Court, in the next adjoining division.

SECTION 33. The foregoing districts may, after the taking of each census by the State be altered, if necessary, to equalize the said districts in population: but such alteration shall be made, by adding to such districts such adjacent county or counties, as will make said district nearest equal in population—*provided* no such alteration shall affect the office of any judge then in office.

[11] See *ante*, n. 7.

ARTICLE VI

On Elections and the Right of Suffrage

SECTION 1. In all elections every white male citizen, above the age of twenty one years, having resided in the state one year next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the state at the time of the adoption of this constitution shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote except in the district or county in which he shall actually reside at the time of such election.

Board of Supervisors *et al. v.* Davis *et al.*, *63 Ill.*, 405.

SECTION 2. All votes shall be given by ballot.

SECTION 3. Electors shall in all cases, except treason, felony, or breach of the peace, be privilged from arrest during their attendance at elections, and in going to and returning from the same.

SECTION 4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

SECTION 5. No elector shall be deemed to have lost his residence in this state by reason of his absence on the business of the United States, or of this state.

SECTION 6. No soldier, seaman, or marine in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed at any military or naval place within the same.

SECTION 7. No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next before the election or appointment.

SECTION 8. The General Assembly shall have full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

SECTION 9. The General Elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

People *ex rel. v.* Garner *et al.*, *47 Ill.*, 246.

ARTICLE VII

Of Counties

SECTION 1. No new county shall be formed or established by the General Assembly which will reduce the county or counties or either of them from which it shall be taken to less contents than four hundred square miles, nor shall any county be formed of less contents, nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

People *ex rel. v.* Marshall, *12 Ill.*, 391.

SECTION 2. No county shall be divided or have any part stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question, shall vote for the same.

People *ex rel. v.* Marshall, *12 Ill.*, 391; Rock Island County *v.* Sage, *88 Ill.*, 582.

SECTION 3. All territory which has been, or may be stricken off by legislative enactment, from any organized county or counties for the purpose of forming a new county and which shall remain unorganized after the period provided for such organization, shall be and remain a part of the county or counties from which it was originally taken, for all purposes of county and state government, until otherwise provided by law.

SECTION 4 There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division, and no territory shall be added to any county without the consent of a majority of the voters of the county to which it is proposed to be added.

People *ex rel. v.* Marshall, *12 Ill.*, 391; Rock Island County *v.* Sage, *88 Ill.*, 582.

SECTION 5. No county seat shall be removed until the point to which it is proposed to be removed, shall be fixed by law, and a majority of the voters of the county shall have voted in favor of its removal to such point.

People *ex rel. v.* Marshall, *12 Ill.*, 391; People *ex rel. v.* Warfield, *20 Ill.*, 159; People *ex rel. v.* Wiant, *48 Ill.*, 263.

SECTION 6. The General Assembly shall provide by a general law, for a township organization, under which any county may

organize, whenever a majority of the voters of such county at any general election shall so determine. And whenever any county shall adopt a township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county, by the county court may be dispensed with and the affairs of said county may be transacted, in such manner as the General Assembly may provide.

People *v.* Brown, *11 Ill.*, 479; People *v.* Couchman *et al.*, *15 Ill.*, 142; Greeley *et al. v.* People, *60 Ill.*, 19; Leach *v.* People *ex rel.*, *122 Ill.*, 420.

SECTION 7. There shall be elected in each county in this state, by the qualified electors thereof, a sheriff, who shall hold his office for the term of two years, and until his successor shall have been elected and qualified. *Provided,* no person shall be eligible to the said office more than once in four years.

ARTICLE VIII

Militia

SECTION 1. The Militia of the state of Illinois shall consist of all free male able-bodied persons, negroes, mulattoes and Indians excepted, resident of the state, between the ages of eighteen and forty five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State, and shall be armed, equipped, and trained as the General Assembly may provide by law.

SECTION 2. No person or persons conscientously scrupulous of bearing arms shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

SECTION 3. Company, battalion and regimental officers, staff officers excepted, shall be elected, by the persons composing their several companies, battalions, and regiments.

SECTION 4. Brigadier and Major Generals shall be elected by the officers of their brigades and divisions respectively.

SECTION 5. All militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the Legislature may provide.

SECTION 6. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to, and returning from the same.

ARTICLE IX

Of the Revenue

SECTION 1. The General Assembly may, whenever they shall deem it necessary, cause to be collected from all able-bodied, free, white male inhabitants of this state, over the age of twenty one years, and under the age of sixty years, who are entitled to the right of suffrage, a capitation tax of not less than fifty cents nor more than one dollar each.

Town of Pleasant *v.* Kost, *29 Ill.*, 490; Fox *v.* City of Rockford, *38 Ill.*, 451.

SECTION 2. The General Assembly shall provide for levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person or persons to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax pedlars, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, juggles, innkeepers, Grocery keepers, toll-bridges and ferries, and persons using and exercising franchises, and privileges in such manner as they shall from time to time direct.

People *v.* Worthington, *21 Ill.*, 171; City of Chicago *v.* Larned *et al.*, *34 Ill.*, 203; People *v.* Bradley *et al.*, *39 Ill.*, 130; but see Bradley *v.* People, *4 Wallace* (*71 U. S.*), 459; City of Ottawa *v.* Spencer *et al.*, *40 Ill.*, 211; Board of Supervisors of Bureau County *v.* Chicago, Burlington, and Quincy Railroad Company, *44 Ill.*, 229; Scammon *et al. v.* City of Chicago, *44 Ill.*, 269; People *ex rel. v.* Salomon, *46 Ill.*, 333; City of East St. Louis *v.* Wehrung, *46 Ill.*, 392; City of Dunleith *v.* Reynolds, Saulpaugh, and Company, *53 Ill.*, 45; Primm *et al. v.* City of Belleville *et al.*, *59 Ill.*, 142; Town of Lebanon *et al. v.* Ohio and Mississippi Railway Company, *77 Ill.*, 539.

SECTION 3. The property of the state and counties both real and personal, and such other property as the General Assembly

may deem necessary for school, religious, and charitable purposes, may be exempted from taxation.

People *ex rel. v.* Barger, *62 Ill.*, 452; Northwestern University *v.* People *ex rel.*, *86 Ill.*, 141; City of Chicago *v.* Baptist Theological Union, *115 Ill.*, 245.

SECTION 4. Hereafter no purchaser of any land or town lot, at any sale of lands or town lots, for taxes due either to this state or any county, or incorporated town or city within the same; or at any sale for taxes[12] or levies authorized by the laws of this state, shall be entitled to a deed for the lands or town lot so purchased until he or she have complied with the following conditions, to wit: such purchaser shall serve or cause to be served a written notice of such purchase on every person in possession of such land or town lot, three months before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land or town lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed a similar written notice, if such person or persons[13] shall reside in the county where such land or lot shall be situated; and in the event that the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county in which such lot or land is situated; which notice shall be inserted three times, the last time not less than three months, before the time of redemption shall expire. Every such purchaser by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on, as such compliance; which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the records of lands and lots sold for taxes and entries of redemption in the county where

[12] In the original manuscript the word "taxes" appears "taxies."
[13] In the original manuscript the word "persons" appears "person."

such land or lot shall lie, to be by such officer entered on the records of his office and carefully preserved among the files of his office, and which record or affidavit shall be prima facie evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such land or lot from such tax sale, shall be permitted to redeem, he or she shall pay the officer or person, who by law is authorized to receive such redemption money, the printer's fee for publishing such notice, and the expenses of swearing or affirming to the affidavit, and filing the same.

Weer *v.* Hahn, *15 Ill.*, 298; Williams *v.* Underhill, *58 Ill.*, 137.

SECTION 5. The corporate authorities of counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property within the limits of municipal corporations belonging to individuals shall be taxed for the payment of debts contracted under authority of law.

Shaw *v.* Dennis, *5 Gilman (10 Ill.)*, 405; Merritt *et al. v.* Farriss *et al.*, *22 Ill.*, 303; Johnson *v.* County of Stark, *24 Ill.*, 75; City of Chicago *v.* Larned *et al.*, *34 Ill.*, 203; but see White *v.* People *ex rel.*, *94 Ill.*, 604; President and Trustees of the Town of Keithsburg *v.* Frick, *34 Ill.*, 405; Taylor *v.* Thompson *et al.*, *42 Ill.*, 9; Board of Supervisors of Bureau County *v.* Chicago, Burlington, and Quincy Railroad Company, *44 Ill.*, 229; Scammon *et al. v.* City of Chicago, *44 Ill.*, 269; City of East St. Louis *v.* Wehrung, *46 Ill.*, 392; People *et al. v.* Salomon, *51 Ill.*, 37; Harward *et al. v.* St. Clair and Monroe Levee and Drainage Company *et al.*, *51 Ill.*, 130; Wider *et al. v.* City of East St. Louis *et al.*, *55 Ill.*, 133; Gage *et al. v.* Graham *et al.*, *57 Ill.*, 144; County Court of Madison County *v.* People *ex rel.*, *58 Ill.*, 456; Primm *et al. v.* City of Belleville *et al.*, *59 Ill.*, 142; Marshall *et al. v.* Silliman *et al.*, *61 Ill.*, 218; Board of Supervisors of Livingston County *v.* Weider, *64 Ill.*, 427; Sherlock *et al. v.* Village of Winnetka, *68 Ill.*, 530.

SECTION 6. The specifications of the objects and subjects of taxation shall not deprive the General Assembly of the power to

require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

ARTICLE X

Corporations

SECTION 1. Corporations not possessing banking powers or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and, in cases where, in the judgment of the General Assembly, the objects of the corporation cannot be attained under general laws.

Johnson *v.* Joliet and Chicago Railroad Company, *23 Ill.*, 202.

SECTION 2 Dues from corporations not possessing banking powers or privileges shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law.

Arenz *v.* Weir, *89 Ill.*, 25; Diversey *v.* Smith, *103 Ill.*, 378.

SECTION 3. No state bank shall hereafter be created nor shall the state own or be liable for, any stock in any corporation or joint stock association for banking purposes to be hereafter created.

SECTION 4 The stockholders in every corporation, or joint stock association for banking purposes, issuing bank notes, or any kind of paper credits to circulate as money, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association for all its debts and liabilities of every kind.

People *ex rel. v.* Loewenthal *et al.*, *93 Ill.*, 191.

SECTION 5 No act of the General Assembly authorizing corporations or associations with banking powers, shall go into effect, or in any manner be in force unless the same shall be submitted to the people at the General Election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for and against such law.

Smith *v.* Bryan, *34 Ill.*, 364; People *ex rel. v.* Loewenthal *et al.*, *93 Ill.*, 191.

SECTION 6 The General Assembly shall encourage Internal Improvements, by passing liberal general laws of incorporation for that purpose.

ARTICLE XI

Commons

All lands which have been granted as a "common" to the inhabitants of any town, hamlet, village or corporation by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or incorporation; but the said commons or any of them, or any part thereof may be divided, leased, or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters interested in such commons or any of them.

Stead *et al. v.* President and Trustees of the Commons of Kaskaskia, *243 Ill.*, 239; Land Commissioners *v.* President and Trustees of the Commons of Kaskaskia *et al.*, *249 Ill.*, 578.

ARTICLE XII

Amendments to the Constitution

SECTION 1. Whenever twothirds of all the members elected to each branch of the General Assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors at the next election of members of the General Assembly to vote for or against a convention; and if it shall appear that a majority of all the electors of the state voting for representatives have voted for a convention, the General Assembly shall, at their next session call a convention to consist of as many members as the House of Representatives at the time of making said call, to be chosen in the same manner, at the same place, and by the same electors in the same districts that chose the members of the House of Representatives, and which convention shall meet within three months after the said election for the purpose of revising, altering or amending this constitution.

SECTION 2. Any amendment or amendments to this constitution may be proposed in either branch of the General Assembly, and if the same shall be agreed to by two-thirds of all the members elect in each of the two Houses, such proposed amendment or amendments shall be referred to the next regular session of the

General Assembly, and shall be published at least three months previous to the time of holding the next election for members of the House of Representatives, and if, (at the next regular session of the General Assembly after said election) a majority of all the members elect in each branch of the General Assembly shall agree to said amendment or amendments, then it shall be their duty to submit the same to the people at the next general election for their adoption or rejection in such manner as may be prescribed by law, and if a majority of all the electors voting at such election for members of the House of Representatives shall vote for such amendment or amendments, the same shall become a part of the constitution. But the General Assembly shall not have power to propose an amendment or amendments to more than one article of the constitution at the same session.

ARTICLE XIII

That the general, great and essential principles of liberty, and free government may be recognized and unalterably established, We Declare:

SECTION 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Hone *v.* Ammons, *14 Ill.*, 29; Lane *v.* Soulard *et al.*, *15 Ill.*, 123; Rodney *v.* Illinois Central Railroad Company, *19 Ill.*, 42; People *ex rel. v.* Turner, *55 Ill.*, 280.

SECTION 2 That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness.

SECTION 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience, and

that no preference shall ever be given by law to any religious establishments or modes of worship.

Central Military Tract Railroad Company *v.* Rockafellow, *17 Ill.*, 541.

SECTION 4 That no religious test shall ever be required as a qualification to any office, or public trust under this state.

SECTION 5 That all elections shall be free and equal.

SECTION 6 That the right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy.

Ross *v.* Irving, *14 Ill.*, 171; Johnson *v.* Joliet and Chicago Railroad Company, *23 Ill.*, 202; Hopkins *v.* Ladd, *35 Ill.*, 178; Ware *v.* Nottinger, *35 Ill.*, 375; Bullock *v.* Geomble, *45 Ill.*, 218.

SECTION 7. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures, and that general warrants whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly[14] described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SECTION 8. That no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

Harding *v.* Butts, *18 Ill.*, 502; Newland *v.* Marsh, *19 Ill.*, 376; Rose *et al. v.* Sanderson, *38 Ill.*, 247; Nesbitt *v.* Trumbo *et al.*, *39 Ill.*, 110; Hunter *v.* Hatch, *45 Ill.*, 178; Darst *et al. v.* People, *51 Ill.*, 286.

SECTION 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district wherein the offence shall be committed, which

[14] In the original manuscript the word "particularly" appears "particulary."

county or district shall have been previously ascertained by law; and that he shall not be compelled to give evidence against himself.

Morton *v.* People, *47 Ill.*, 468.

SECTION 10. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger. *Provided,* that justices of the peace shall try no person, except as a court of inquiry, for any offence punishable with imprisonment or death, or fine above one hundred dollars.

SECTION 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives in the General Assembly, nor without just compensation being made to him.

Johnson *v.* Joliet and Chicago Railroad Company, *23 Ill.*, 202; Nevins *v.* City of Peoria, *41 Ill.*, 502; Guedel *v.* People, *43 Ill.*, 226; City of East St. Louis *v.* St. John, *47 Ill.*, 463; People *ex rel. v.* Williams, *51 Ill.*, 63; but see Townsend *v.* Chicago and Alton Railroad Company, *91 Ill.*, 545; Wilson *v.* Rockford, Rock Island, and St. Louis Railroad Company, *59 Ill.*, 273; Hoag *v.* Switzer *et al.*, *61 Ill.*, 294.

SECTION 12. Every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice freely and without being obliged to purchase it completely and without denial, promptly and without delay, conformably to the laws.

Reed *et al. v.* Tyler *et al.*, *56 Ill.*, 288.

SECTION 13. That all persons shall be bailable by sufficient sureties, unless for capital offences where the proof is evident, or the presumption great, and the privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it.

SECTION 14. All penalties shall be proportioned to the nature of the offence, the true design of all punishment being to reform, not to exterminate mankind.

SECTION 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

McKindley *et al. v.* Rising, *28 Ill.*, 337; Strode *v.* Broadwell, *36 Ill.*, 419; Wightman *v.* Wightman, *45 Ill.*, 167; Parker *v.* Follensbee, *45 Ill.*, 473.

SECTION 16. There shall be neither slavery nor involuntary servitude in this state, except as a punishment for crime, whereof the party shall have been duly convicted.

Rodney *v.* Illinois Central Railroad Company, *19 Ill.*, 42; Nelson *v.* People, *33 Ill.*, 390.

SECTION 17. No expost facto law, nor any law impairing the obligation of contracts shall ever be made, and no conviction shall work corruption of blood or forfeiture of estate.

Ohio and Mississippi Railroad Company *v.* McClelland, *25 Ill.*, 140; Bruffett *et al. v.* Great Western Railroad Company of 1859, *25 Ill.*, 353; Neustadt and the City of La Salle *v.* Illinois Central Railroad Company, *31 Ill.*, 484; Parmelee *et al. v.* Lawrence, *48 Ill.* 331.

SECTION 18. That no person shall be liable to be transported out of this state for any offence committeed within the same.

SECTION 19. That a frequent recurrence to the fundamental principles of civil government is aboslutely necessary to preserve the blessings of liberty.

SECTION 20. The military shall be in strict subordination to the civil power.

SECTION 21. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances.

SECTION 22. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in manner prescribed by law.

SECTION 23. The printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly, or of any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts

and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

SECTION 24. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court as in other cases.

SECTION 25. Any person who shall after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abetter in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise in such manner, as is, or may be prescribed by law.

SECTION 26 That from and after the adoption of this constitution, every person who shall be elected or appointed to any office of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this state, shall before he enters upon the duties of his office in addition to the oath prescribed in this constitution take the following oath:

"I do solemnly swear (or affirm as the case may be) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of either party, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the constitution; and that I will not be so engaged, or concerned, directly or indirectly, in or about any such duel, during my continuance in office. So help me God."

SCHEDULE

That no inconvenience may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared:—

SECTION 1. That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prose-

cutions, claims and contracts of this state, individuals, or bodies corporate, shall continue and be as valid as if this constitution had not been adopted.

Wood *v.* Blanchard, *19 Ill.*, 38.

SECTION 2. That all fines, penalties and forfeitures, due and owing to the state of Illinois, under the present constitution and laws, shall enure to the use of the people of the state of Illinois under this constitution.

SECTION 3. Recognizances,[15] bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Illinois, to any state or county officer or public body shall remain binding and valid, and rights and liabilities upon the same shall continue and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of the State.

SECTION 4. That "Article 11" entitled "Commons" is hereby adopted as a part of the constitution of this state, without being submitted to be voted upon by the people.

SECTION 5. That at the first election fixed by this constitution for the election of Judges, there shall be elected one circuit Judge in each of the nine judicial circuits now established in this state.

SECTION 6. The County Commissioner's Courts and the probate justices of the several counties shall continue in existence and exercise their present jurisdiction until the county court provided in this constitution is organized in pursuance of an act of the General Assembly to be passed at its first session.

SECTION 7. That the clerk of the circuit court in each county fixed by this constitution as the place for holding the supreme court, except in the county of Sangamon, shall be *exofficio* clerk of the supreme court, until the clerks of said court shall be elected and qualified, as provided in this constitution, and all laws now in force, in relation to the clerk of the Supreme Court shall be applicable to said clerks and their duties.

SECTION 8. That the sheriffs, state attorneys, and all other

[15] In the original manuscript the word "recognizances" appears "recgnizances."

officers elected under this constitution shall perform such duties as shall be prescribed by law.

SECTION 9. That the oaths of office herein required to be taken may be administered by a justice of the peace, until otherwise provided by law.

SECTION 10. That this constitution shall be submitted to the people for their adoption or rejection, at an election to be held on the first Monday in March A D 1848, and there shall also be submitted for adoption or rejection, at the same time, the separate articles in relation to the emigration of colored persons, and the public debt.

SECTION 11. That every person entitled to vote for members of the General Assembly, by the constitution and laws now in force, shall on the first Monday in March A D 1848, be entitled to vote for the adoption or rejection of this constitution and for and against the aforesaid articles separately submitted and the said qualified electors shall vote in the counties in which they respectively reside, at the usual places of voting, and not elsewhere, and the said election shall be conducted according to the laws now in force in relation to the election of Governor, so far as applicable, except as is herein otherwise provided.

SECTION 12. That the poll-book to be used at said election shall as nearly as practicable, be in the following form, to wit;

Poll-book of an election held at.....precinct in the county of.....on the first Monday of March A D 1848 for the adoption or rejection of the constitution, and the separate articles submitted;

Names of the voters	Adoption of constitution	Rejection of constitution	For the article in relation to colored persons	Against the article in relation to colored persons	For the article for the two mill tax	Against the article for the two mill tax
A. B.	1		1		1	
C. D.		1	2		2	
	2			1	3	
			3			1

SECTION 13. That the returns of the votes for the adoption or

rejection of this constitution, and for and against the separate articles submitted, shall be made to the secretary of state, within fifty days after the election, and the returns of the vote shall, within five days thereafter be examined and canvassed by the Auditor, Treasurer, and Secretary of State or any two of them in the presence of the Governor, and proclamation shall be made by the Governor forthwith, of the result of the polls. If it shall appear, that a majority of all the votes polled, are for the adoption of this constitution, it shall be the supreme law of the land, from and after the first day of April A D 1848, but if it shall appear that a majority of the votes polled were given against the constitution, the same shall be null and void. If it shall further appear that a majority of the votes polled shall have been given for the separate article in relation to colored persons, or the article for the two mill tax, then said article or articles shall be and form a part of this constitution, otherwise said article, or articles shall be null and void.

SECTION 14. That if this constitution shall be ratified by the people, the Governor shall forthwith, after having ascertained the fact, issue writs of election, to the sheriffs of the several counties in this state, or in case of vacancy, to the coroners, for the election of all the officers, the time of whose election is fixed by this constitution or schedule, and it shall be the duty of said sheriffs or coroners to give at least twenty days notice of the time and place of said election, in the manner now prescribed by law.

SECTION 15. The General Assembly shall at its first session after the adoption of this constitution provide by law for the mode of voting by ballot and also for the manner of returning, canvassing and certifying the number of votes cast at any election and until said law shall be passed, all elections shall be *viva voce,* and the laws now in force regulating elections shall continue in force until the General Assembly shall provide otherwise as herein directed.

SECTION 16. That the first General Election of Governor, Secretary of State, Auditor, Treasurer, and members of the General Assembly, and of such other officers as are to be elected at the same time, shall be held on the first Monday of August 1848, anything

in this constitution to the contrary notwithstanding. County officers then elected shall hold their respective offices until their successors are elected or appointed in conformity with laws hereafter enacted.

SECTION 17. That returns of the election of justices of the Supreme and judges of the circuit courts, Secretary of State, Auditor and Treasurer, shall be made and canvassed as is now provided by law for representatives in congress, and returns for members of the General Assembly and county officers, shall be made and canvassed as is now provided by law.

SECTION 18. That all laws of the state of Illinois and all official writings, and the executive, legislative and judicial proceedings, shall be conducted, preserved and published in no other than the English language.

SECTION 19. On the first Monday in December one thousand eight hundred and forty eight, the term of office of judges of the Supreme Court, states attorneys, and of the clerks of the supreme and circuit courts shall expire, and on said day the term of office of the judges, states attorneys, and clerks elected under the provisions of this constitution shall commence; the judges of the supreme court elected as aforesaid shall have and exercise the powers and jurisdiction conferred upon the present judges of that court, and the said judges of the circuit courts, shall have and exercise the powers and jurisdiction conferred upon the judges of those courts, subject to the provisions of this constitution.

SECTION 20. On the first Monday of December one thousand eight hundred and forty eight, jurisdiction of all suits and proceedings then pending in the present supreme court shall become vested in the supreme court established by this constitution and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties shall be vested in the circuit courts of said counties.

SECTION 21. The Cook and Jo Daviess county courts shall continue to exist, and the judge and other officers of the same remain in office until otherwise provided by law.

SECTION 22. Until otherwise provided by law, the terms of the

supreme court shall be held as follows. In the first division, on the first Monday of December A D 1848, and annually thereafter. In the second division on the third Monday of December A D 1848, and annually thereafter, In the third division on the first Monday of February A D 1849, and annually thereafter, The sheriffs of Jefferson, and LaSalle counties shall perform the same duties and receive the same compensation as is required and provided for the sheriff of Sangamon county, until otherwise provided by law.

SECTION 23. Nothing in this constitution shall prevent the General Assembly from passing such laws in relation to the apprenticeship of minors during their minority, as may be necessary and proper.

SECTION 24. That the General Assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

SECTION 25. Elections of judges of the supreme, and circuit courts, shall be subject to be contested.

SECTION 26. Contested elections of judges of the supreme court shall be tried by the senate and of judges of the circuit court, by the supreme court, and the General Assembly shall prescribe the manner of preceeding therein.[16]

[16] In the original manuscript immediately after section 26 there appears the following:

"Note—The following interlineations and erasures were made before the signing.

Art.	3	Sec. 11.	The word 'at' interlined.
		13	The word 'fair' erased.
		15	The word 'the' inserted.
		40	The word 'Johnson' inserted, 'seventh' made 'seventeenth,' 'two' stricken out and 'one' inserted.
Art.	4	Sec. 2	The word 'the' inserted.
		3	The figures '1859' made '1849.'
		21	The word 'shall' inserted.
		29	The word 'provided' erased.
		32	The word 'the' inserted.
Art.	8	Sec. 2.	The words 'or persons' inserted.
	9	2	The word 'grocery keepers' inserted.
		4	The words 'or names' and the word 'such' inserted.

Done in Convention, at the Capitol, in the City of Springfield, on the thirty first day of August, in the year of our Lord one thousand eight hundred and forty seven, and of the Independence of the United States of America, the seventy second.

In witness whereof we have hereunto subscribed our names:

Newton Cloud President of the Convention, and member of the Convention from the County of Morgan.

Augustus Adams	P. Ballingall
George W. Akin	Montgomery Blair
Willis Allen	Wm. H. Blakely
Samuel Anderson	Ben: Bond
Wm R. Archer	Wm. Bosbyshell
Geo W. Armstrong	James Brockman
Martin Atherton	Geo. T. Brown
George Bunsen witness	William B. Green
Horace Butler	David L. Gregg
James M Campbell	Wm A Grimshaw
Thompson Campbell	A. C. Harding
John Canady	J. Harlan
F. L. Casey	J. Harper
Z Casey	C. K. Harvey
Charles Choate	Jeduthun Hatch
Selden. M. Church	Nelson Hawley
Alfred Churchill	Daniel Hay
Eben F Colby	S. Snowden Hayes
Charles Henry Constable	Reuben B. Heacock

12	1	The word 'general' stricken out, and the words 'members of the' inserted.
13	1	The word 'protecting' inserted.
	3	The word 'right' inserted.
	8	The words 'liberty or property' inserted.
	26	The words 'been' and 'in' inserted.
Schedule sec.	3	The words 'and all crimes and misdemeanors shall be tried and punished' inserted.
	7	The words 'except in the county of Sangamon shall be ex officio clerk of the Supreme Court' inserted.
Separate Art	15	The words 'other than Canal and School indebtedness' inserted."

John Crain
Robert J. Cross
Samuel. J. Cross
M. G. Dale
David Davis
James M Davis
Thos. G. C. Davis
John Dawson
P. W. Deitz
John Dement
James Dunlap
H E. Dummer
Harvey Dum
Daniel Dunsmore
Joseph T. Eccles
J. Wm. F. Edmonson
Cyrus Edwards
Ninian W. Edwards
Edward Evey
Seth B Farwell
Fred'k Frick
James Graham
Thomas Geddes
Henry R Green
Peter Green
George B Lemen
Isaac Linley
Sam Drake Lockwood
Stephen T. Logan
Jno. Tinen Loudon
Andrew McCallen
John McCulley
Wm. MClure
A McHatton
Uri Manley
David. Markley
Franklin S D Marshall
Hugh Henderson
George W Hill
Abraham Hoes
James M Hogue
William. H. Holmes
Saml. Hunsaker
Stephen. A. Hurlbut
John Huston
Aaron C Jackson
J A James
A. M. Jenkins
Humphrey B Jones
Thomas Judd
A R Kenner
Simon Kinney
Wm. C Kinney
Alfred Kitchell
Augustus R. Knapp
Nat: Morse Knapp
Lincoln B. Knowlton
James Knox
George Kreider
Saml. Lander
James. M. Lasater
William Laughlin
Benaiah Robinson
W. W Roman
Hiram Rountree
Walter B. Scates
R. B. Servant
William Shields
Dorice Dwight Shumway
John Sibly
Wm. Sim
Lewis J. Simson
E O Smith
J. Smith

T. A Marshall
John West Mason
James H. Matheny
John Mieure
R Miller
Wm A Minshall
Garnet Moffet
William S. Moore
R G Morris
J. M. Nichols
B. F. Northcutt
Jesse O. Norton
John Oliver
G. W. Pace
Henry D. Palmer
John M Palmer
Onslow Peters
D. J. Pinckney
Wm. B. Powers
O. C. Pratt
George W. Rives
Ezekiel Wright Robbins
John. W. Spencer
Wm Stadden
Hurlburt Swan
Wm Thomas
Wm. W. Thompson
Anthony Thornton
Thos. B. Trower
Gilbert Turnbull
Oaks Turner
Wm Tutt
James Tuttle
John W. Vance
Zenas H Vernor
Hezekiah M Wead
T R Webber
Edw. M. West
Archibald Williams
Franklin Witt
John Davis Whiteside
Daniel Hilton Whitney
David Meade Woodson
L E Worcester

Attest:

Henry W. Moore, Secretary.
Harman G. Reynolds, Ast. Secretary.

ARTICLE XIV

The General Assembly shall at its first session under the amended constitution pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state, and to effectually prevent the owners of slaves from bringing them into this state, for the purpose of setting them free.

Nelson *v.* People, *33 Ill.*, 390.

ARTICLE XV

There shall be annually assessed and collected in the same manner as other state revenue may be assessed and collected, a tax of

two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, towit; the fund so created shall be kept separate, and shall, annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon, and, to that extent, in extinguishment of the principal of said indebtedness.

People *ex rel. v.* Auditor, *12 Ill.*, 307; Marine Bank of Chicago *v.* Auditor of State, *14 Ill.*, 185; People *v.* Dubois, *19 Ill.*, 223; People *ex rel. v.* Auditor, *30 Ill.*, 434.

Adopted by the Convention,
August 31st, 1847.

Newton Cloud,
President.

Henry W. Moore, Secretary.
Harman G Reynolds, Ast. Secretary.

CONSTITUTION OF 1870

CONSTITUTION OF THE STATE OF ILLINOIS

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13TH, A. D. 1870[1]

PREAMBLE

We, the people of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity; do ordain and establish this Constitution for the State of Illinois.

ARTICLE I

Boundaries

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the latter river along its northwestern shore to the place of beginning: *Provided,* that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as

[1] Ratified by the people, July 2, 1870. In force, August 8, 1870. Amendments were adopted in 1878, 1880, 1884, 1886, 1890, 1904, and 1908.

may hereafter be agreed upon by this State and the State of Kentucky.

State of Iowa *v.* State of Illinois, *147 U. S.*, 1; Keokuk and Hamilton Bridge Company *v.* People, *176 Ill.*, 267.

ARTICLE II

Bill of Rights

SECTION 1. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

SECTION 2. No person shall be deprived of life, liberty or property, without due process of law.

Munn *v.* People, *69 Ill.*, 80; *94 U. S.*, 113; Millett *v.* People, *117 Ill.*, 294; Frorer *et al. v.* People, *141 Ill.*, 171, and see Kellyville Coal Company *v.* Harrier, *207 Ill.*, 624; Ritchie *v.* People, *155 Ill.*, 98; Ritchie and Company *et al. v.* Wayman *et al.*, *244 Ill.*, 509; People *v.* Elerding, *254 Ill.*, 579; Off and Company *v.* Morehead, *235 Ill.*, 40; City of Chicago *v.* Wells, *236 Ill.*, 129; Massie *v.* Cessna, *239 Ill.*, 352; People *v.* Stokes, *281 Ill.*, 159; Josma *v.* Western Steel Car and Foundry Company, *249 Ill.*, 508; Kelly *et al. v.* Johnson *et al.*, *251 Ill.*, 135; City of Chicago *v.* Gage *et al.*, *268 Ill.*, 232; Board of Administration *v.* Miles, *278 Ill.*, 174; see article IV, section 22, clause 23.

SECTION 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

North *v.* Board of Trustees of the University of Illinois, *137 Ill.*, 296; People *ex rel. v.* Board of Education, *245 Ill.*, 334; Reichwald *v.* Catholic Bishop of Chicago *et al.*, *258 Ill.*, 44; see article VIII, section 3.

SECTION 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

Storey *v.* People, *79 Ill.*, 45; People *v.* Fuller, *238 Ill.*, 116.

SECTION 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

Ward *v.* Farwell *et al.*, *97 Ill.*, 593; Commercial Insurance Company *v.* Scammon, *123 Ill.*, 601; George *v.* People, *167 Ill.*, 447; People *ex rel. v.* Kipley *et al.*, *171 Ill.*, 44; Paulsen *v.* People, *195 Ill.*, 507; Larkins *v.* Terminal Railroad Association of St. Louis, *221 Ill.*, 428; McIntyre *v.* People *ex rel.*, *227 Ill.*, 26; People *ex rel. v.* Mayor and Common Council of Alton, *233 Ill.*, 542; Standidge *v.* Chicago Railways Company, *254 Ill.*, 524; People *ex rel.* Thrasher *v.* Smith, *275 Ill.*, 256; Illinois Life Insurance Company *v.* Prentiss, *277 Ill.*, 383.

Jury of six in civil cases before justices of the peace: Hermanek *v.* Guthmann *et al.*, *179 Ill.*, 563; see article II, section 13 (jury trial); and article XI, section 14.

SECTION 6. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

Langdon *v.* People, *133 Ill.*, 382; Lippman *v.* People, *175 Ill.*, 101; Swedish-American Telephone Company *et al. v.* Fidelity and Casualty Company of New York, *208 Ill.*, 562; People *ex rel. v.* Steward *et al.*, *249 Ill.*, 311; People *v.* Clark, *280 Ill.*, 160; People *v.* Honaker *281 Ill.*, 295.

SECTION 7. All persons shall be bailable, by sufficient sureties, except for capital offenses, where the proof is evident or the pre-

sumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

SECTION 8. No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided,* that the grand jury may be abolished by law in all cases.

People *ex rel. v.* Kipley *et al.*, *171 Ill.*, 44; People *v.* Glowacki, *236 Ill.*, 612; People *v.* Russell, *245 Ill.*, 268.

SECTION 9. In all criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

To be heard by counsel: White *et al. v.* People, *90 Ill.*, 117; Thompson *v.* People, *144 Ill.*, 378.

Nature of accusation: West *v.* People, *137 Ill.*, 189; Cochran *v.* People, *175 Ill.*, 28; People *v.* Nolan, *250 Ill.*, 351.

To meet witnesses face to face: Tucker *v.* People, *122 Ill.*, 583; Gillespie *et al. v.* People, *176 Ill.*, 238; see Starkey *v.* People, *17 Ill.*, 17.

Speedy public trial: Weyrich *v.* People, *89 Ill.*, 90; Marzen *v.* People, *190 Ill.*, 81; People *v.* Jonas, *234 Ill.*, 56.

Impartial jury: Spies *et al. v.* People, *122 Ill.*, 1 (262).

Of the county or district: Weyrich *v.* People, *89 Ill.*, 90; Buckrice *v.* People, *110 Ill.*, 29; Watt *v.* People, *126 Ill.*, 9; City of Chicago *v.* Knobel, *232 Ill.*, 112; People *ex rel. v.* Rodenberg, *254 Ill.*, 386.

SECTION 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Minters *v.* People, *139 Ill.*, 363; People *v.* Miner *et al.*, *144 Ill.*, 308; Boone *v.* People, *148 Ill.*, 440; Dreyer *v.* People, *188 Ill.*, 40;

Paulsen *v.* People, *195 Ill.*, 507; People *ex rel. v.* Butler Street Foundry and Iron Company, *201 Ill.*, 236.

SECTION 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

Chicago and Alton Railroad Company *v.* People *ex rel.*, *67 Ill.*, 11; Chicago, Rock Island, and Pacific Railway Company *v.* People, *217 Ill.*, 164; Collins *v.* Metropolitan Life Insurance Company, *232 Ill.*, 37; Wall *et al. v.* Pfanschmidt *et al.*, *265 Ill.*, 180.

SECTION 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

Kennedy *et al. v.* People, *122 Ill.*, 649; Huntington *v.* Metzger, *158 Ill.*, 272; Barclay *v.* Barclay, *184 Ill.*, 375.

SECTION 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

Taking or damaging: Rigney *v.* City of Chicago, *102 Ill.*, 64; Commissioners of Highways of the Town of Burgess *v.* Hohmeyer, *279 Ill.*, 66.

Public use: Gaylord *v.* Sanitary District of Chicago, *204 Ill.*, 576.

Just compensation: Carpenter *v.* Jennings *et al.*, *77 Ill.*, 250; Caldwell *et al. v.* Commissioners of Highways, *249 Ill.*, 366.

Jury trial: McManus *v.* McDonough *et al.*, *107 Ill.*, 95; Wabash Railroad Company *v.* Coon Run Drainage and Levee District, *194 Ill.*, 310; Juvinall *et al v.* Jamesburg Drainage District, *204 Ill.*, 106; see article II, section 5 and article XI, section 14.

SECTION 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

Roby *v.* City of Chicago, *64 Ill.*, 447; Ruggles *v.* People, *91 Ill.*, 256; Ford *et al. v.* Chicago Milk Shippers' Association *155 Ill.*, 166; Johnson *v.* People, *173 Ill.*, 131; Bradley *v.* Lightcap, *201 Ill.*, 511; Olsen *v.* People *ex rel.*, *219 Ill.*, 40.

SECTION 15. The military shall be in strict subordination to the civil power.

County of Christian *v.* Merrigan, *191 Ill.*, 484.

SECTION 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

SECTION 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

SECTION 18. All elections shall be free and equal.

People *ex rel. v.* Hoffman *et al.*, *116 Ill.*, 587; People *ex rel. v.* Board of Election Commissioners of the City of Chicago, *221 Ill.*, 9; Rouse *v.* Thompson, *228 Ill.*, 522; see article VII, section 1.

SECTION 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain, by law, right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay.

Reed *et al. v.* Tyler *et al.*, *56 Ill.*, 288; Senichka *v.* Lowe, *74 Ill.*, 274; Douglas *v.* Hutchinson *et al.*, *183 Ill.*, 323; see Bonney *v.* King *et al.*, *201 Ill.*, 47.

SECTION 20. A frequent recurrence to the fundamental principles of civil government is aboslutely necessary to preserve the blessings of liberty.

ARTICLE III

Distribution of Powers

The powers of the government of this State are divided into three distinct departments—the legislative, executive and judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

City of Galesburg *v.* Hawkinson *et al.*, *75 Ill.*, 152; People *ex rel. v.* Hoffman *et al.*, *116 Ill.*, 587; George *v.* People, *167 Ill.*, 447; *in re* Day, *181 Ill.*, 73; City of Aurora *v.* Schoeberlein, *230 Ill.*, 496; Correspondence between Governor and Judges of Supreme Court, *243 Ill.*, 9; People *ex rel. v.* McCullough, *254 Ill.*, 9; Witter *v.* County Com-

missioners of Cook County *et al.*, *256 Ill.*, 616; People *ex rel. v.* Dunne *et al.*, *258 Ill.*, 441; see Field *v.* People *ex rel.*, *2 Scammon* (*3 Ill.*), 79.

ARTICLE IV

Legislative Department

SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

People *ex rel. v.* Kipley *et al.*, *171 Ill.*, 44; Rouse *v.* Thompson, *228 Ill.*, 522; People *v.* McBride, *234 Ill.*, 146; People *v.* Roth, *249 Ill.*, 532; see People *ex rel. v.* Reynolds, *5 Gilman* (*10 Ill.*), 1.

Election

SECTION 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

Eligibility and Oath

SECTION 3. No person shall be a Senator who shall not have attained the age of twenty-five years, or a Representative who shall not have attained the age of twenty-one years. No person shall be a Senator or a Representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, Secretary of State, Attorney General, State's Attorney, recorder, sheriff, or collector of public revenue, member of either House of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided,* that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered

lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, (except postmasters whose annual compensation does not exceed the sum of three hundred dollars) hold any office of honor or profit under the authority of this State.

People *ex rel. v.* Board of Election Commissioners of the City of Chicago, *221 Ill.*, 9.

SECTION 4. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

Cawley *et al. v.* People, *95 Ill.*, 249.

SECTION 5. Members of the General Assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully discharge the duties of Senator (or Representative) according to the best of my ability; and that I have not, knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act." This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to or of violating, his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

Apportionment

Senatorial

SECTION 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the Senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The Senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths, may be divided into separate districts, and shall be entitled to two Senators, and to one additional senator for each number of inhabitants equal to the ratio, contained by such counties in excess of twice the number of said ratio.

People *ex rel. v.* Thompson, *155 Ill.*, 451; People *ex rel. v.* Hutchinson, *172 Ill.*, 486; People *ex rel. v.* Carlock, *198 Ill.*, 150; see article VI, section 5.

Minority Representation

SECTIONS 7 AND 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each Senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates,

as he shall see fit; and the candidates highest in votes shall be declared elected.[2]

Rouse *v.* Thompson, *228 Ill.*, 522; People *ex rel. v.* Strassheim, *240 Ill.*, 279; People *ex rel. v.* Deneen *et al.*, *247 Ill.*, 289; People *ex rel. v.* Taylor *et al.*, *257 Ill.*, 192.

[2] Under the terms of section 12 of the schedule, original sections 7 and 8 of this article were to be eliminated if the section relating to minority representation, which was submitted to a separate vote, was adopted by the voters. The separate section was adopted and accordingly replaced original sections 7 and 8, which were as follows:

REPRESENTATIVE

"SECTION 7. The population of the State, as ascertained by the Federal census, shall be divided by the number one hundred and fifty-three, and the quotient shall be the ratio of representation in the House of Representatives. Every county or district shall be entitled to one representative, when its population is three-fifths of the ratio; if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has for the same reason been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants, equal to the ratio, one representative. Counties having over two hundred thousand inhabitants may be divided into districts, each entitled to not less than three nor more than five representatives. After the year one thousand eight hundred and eighty, the whole population shall be divided by the number one hundred and fifty-nine, and the quotient shall be the ratio of representation in the House of Representatives for the ensuing ten years, and six additional representatives shall be added for every five hundred thousand increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

"SECTION 8. When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio, it shall be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to an additional representative in the fourth and fifth terms of said periods; when the fraction is three-fifths of the ratio, it shall be entitled to an additional representative in the first, second and third terms, respectively; when the fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third and fourth terms, respectively."

Time of Meeting and General Rules

SECTION 9. The sessions of the General Assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this Constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers; and the Senate shall choose a temporary President to preside when the Lieutenant Governor shall not attend as President or shall act as governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member, who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

SECTION 10. The doors of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the Senate at the request of two members, and in the House at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

See People *ex rel. v.* Hatch, *33 Ill.*, 9; see article v, section 9.

Style of Laws, and Passage of Bills

SECTION 11. The style of the laws of this State shall be; *"Be it enacted by the People of the State of Illinois, represented in the General Assembly."*

Burritt *v.* Commissioners of State Contracts, *120 Ill.*, 322; Pearce *v.* Vittum, *193 Ill.*, 192.

SECTION 12. Bills may originate in either house, but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

People *ex rel. v.* Knopf, *198 Ill.*, 340; People *ex rel. v.* Bowman, *247 Ill.*, 276; People *v.* Edmands, *252 Ill.*, 108; Neiberger *v.* McCullough *et al.*, *253 Ill.*, 312; McAuliffe *v.* O'Connell, *258 Ill.*, 186; People *ex rel. v.* Brady, *262 Ill.*, 578; Dragovich *v.* Iroquois Iron Company, *269 Ill.*, 478; see Richter *v.* Burdock, *257 Ill.*, 410; see article IV, section 13.

SECTION 13. Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the Speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency, (which emergency shall be expressed in the preamble or body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

Reading: Illinois Central Railroad Company *v.* People, *143 Ill.*, 434; People *ex rel. v.* La Salle Street Trust and Savings Bank, *269 Ill.*, 518; People *v.* State Board of Dental Examiners, *278 Ill.*, 144; see People *ex rel. v.* Starne, *35 Ill.*, 121; see article IV, section 12.

Printing: Neiberger *v.* McCullough *et al.*, *253 Ill.*, 312; People *ex rel. v.* Brady, *262 Ill.*, 578; Dragovich *v.* Iroquois Iron Company, *269 Ill.*, 478; see article IV, section 12.

Signature of speaker: Lynch *v.* Hutchinson *et al.*, *219 Ill.*, 193.

Title: Ritchie *v.* People, *155 Ill.*, 98; Milne *v.* People, *224 Ill.*, 125; Rouse *v.* Thompson, *228 Ill.*, 522; People *v.* McBride, *234 Ill.*, 146; People *ex rel. v.* Nellis, *249 Ill.*, 12; People *v.* Roth, *249 Ill.*, 532; People *v.* Sargent, *254 Ill.*, 514.

Amendment by reference: People *ex rel. v.* Wright, *70 Ill.*, 388; Timm *v.* Harrison, *109 Ill.*, 593; People *ex rel. v.* Knopf, *183 Ill.*, 410; People *ex rel. v.* Crossley *et al.*, *261 Ill.*, 78; Brooks *et al. v.* Hatch *et al.*, *261 Ill.*, 179; Board of Education *v.* Haworth, *274 Ill.*, 538; People *ex rel. v.* Day, *277 Ill.*, 543 (556, 557); see City of Chicago *v.* Reeves, *220 Ill.*, 274.

Privileges and Disabilities

SECTION 14. Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Phillips *v.* Browne, *270 Ill.*, 450.

SECTION 15. No person elected to the General Assembly shall receive any civil appointment within this State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

See article IV, section 25.

Public Moneys and Appropriations

SECTION 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the

General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

Ritchie *v.* People, *155 Ill.*, 98; People *v.* Joyce, *246 Ill.*, 124; Fergus *et al. v.* Russel *et al.*, *270 Ill.*, 304 (318); Fergus *v.* Russel, *277 Ill.*, 20; see article v, section 24.

SECTION 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the Auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The Auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

Burritt *v.* Commissioners of State Contracts, *120 Ill.*, 322; Whittemore *v.* People, *227 Ill.*, 453; Board of Trade of the City of Chicago *et al. v.* Cowen *et al.*, *252 Ill.*, 554.

SECTION 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjourment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided,* the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war, (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a

majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrepealable until such debt be paid: *And, provided, further,* that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

Whittemore *v.* People, *227 Ill.*, 453; Fergus *et al. v.* Russel *et al.*, *270 Ill.*, 304 (333); Fergus *v.* Brady, *277 Ill.*, 272.

SECTION 19. The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void: *Provided,* the General Assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

Dement *et al. v.* Rokker *et al.*, *126 Ill.*, 174; People *ex rel. v.* Abbott, *274 Ill.*, 380; Fergus *v.* Brady, *277 Ill.*, 272.

SECTION 20. The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of any public or other corporation, association or individual.

Boehm *v.* Hertz *et al.*, *182 Ill.*, 154; City of Chicago *v.* Wolf *et al.*, *221 Ill.*, 130.

Pay of Members

SECTION 21. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this Constitution, and ten cents for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the Auditor of Public Accounts; and thereafter such compensation as shall be prescribed by law,

and no other allowance or emolument, directly or indirectly, for any purpose whatever; except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites; but no change shall be made in the compensation of members of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the Speakers of their respective houses, and entered on the journals, and published at the close of each session.

Fergus *et al. v.* Russel *et al.*, *270 Ill.*, 304 (331, 332, 626); see article IV, section 19; article V, section 23; article VI, sections 7, 16, 25; article VIII, section 5; article IX, section 11; article X, section 10.

Special Legislation Prohibited

SECTION 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For—

In general: Owners of Lands *v.* People *ex rel.*, *113 Ill.*, 296; Bessette *v.* People, *193 Ill.*, 334; Horwich *et al. v.* Walker-Gordon Laboratory Company, *205 Ill.*, 497; People *ex rel. v.* Board of Election Commissioners of the City of Chicago, *221 Ill.*, 9; Douglas *et al. v.* People *ex rel.*, *225 Ill.*, 536; Manowsky *v.* Stephan *et al.*, *233 Ill.*, 409; Dawson Soap Company *v.* City of Chicago, *234 Ill.*, 314; Block *et al. v.* City of Chicago, *239 Ill.*, 251; Massie *v.* Cessna, *239 Ill.*, 352; but see People *v.* Stokes, *281 Ill.*, 159; People *ex rel. v.* Nellis, *249 Ill.*, 12; People *v.* Kaelber, *253 Ill.*, 552; see article II, section 2 and article IV, section 22, clause 23.

Granting divorces;

Changing the names of persons or places;

Laying out, opening, altering and working roads or highways;

Kennedy *v.* McGovern *et al.*, *246 Ill.*, 497.

Vacating roads, town plats, streets, alleys and public grounds;

Locating or changing county seats;

Regulating county and township affairs;

People *ex rel. v.* Hazelwood, *116 Ill.*, 319; Booth *v.* Opel, *244 Ill.*, 317.

Regulating the practice in courts of justice;

Chicago Life Insurance Company *v.* Auditor of Public Accounts, *101 Ill.*, 82; Strong *v.* Digman, *207 Ill.*, 385.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables;

People *ex rel. v.* Meech, *101 Ill.*, 200.

Providing for changes of venue in civil and criminal cases;

Miller *v.* People, *230 Ill.*, 65.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city or village;

Cleveland, Cincinnati, Chicago, and St. Louis Railway Company *v.* Randle, *183 Ill.*, 364; L'Hote *et al. v.* Village of Milford, *212 Ill.*, 418.

Providing for the election of members of the board of supervisors in townships, incorporated towns or cities;

Summoning and impaneling grand or petit juries;

Providing for the management of common schools;

Land Commissioners *v.* President and Trustees of the Commons of Kaskaskia *et al.*, *249 Ill.*, 578; People *ex rel. v.* Weis *et al.*, *275 Ill.*, 581.

Regulating the rate of interest on money;

Winget *et al. v.* Quincy Building and Homestead Association, *128 Ill.*, 67.

The opening and conducting of any election, or designating the place of voting;

People *ex rel. v.* Hoffman *et al.*, *116 Ill.*, 587; People *ex rel. v.* Board of Supervisors of Adams County, *185 Ill.*, 288.

The sale or mortgage of real estate belonging to minors or others under disability;

Kingsbury *v.* Sperry *et al.*, *119 Ill.*, 279.

The protection of game or fish;

People *v.* Wilcox, *237 Ill.*, 421.

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Wunderle *et al. v.* Wunderle, *144 Ill.*, 40.

Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose;

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

Lippman *v.* People, *175 Ill.*, 101; Lasher *v.* People, *183 Ill.*, 226; Noel *v.* People, *187 Ill.*, 587; Gillespie *v.* People, *188 Ill.*, 176; Starne *v.* People, *222 Ill.*, 189; but see People *v.* Solomon, *265 Ill.*, 28; People *ex rel. v.* Clean Street Company, *225 Ill.*, 470; Jones *v.* Chicago, Rock Island, and Pacific Railway Company, *231 Ill.*, 302; People *v.* Commercial Life Insurance Company, *247 Ill.*, 92; People *ex rel. v.* Rinaker *et al.*, *252 Ill.*, 266; State Public Utilities Commission *ex rel. v.* Romberg, *275 Ill.*, 432; People *ex rel. v.* Weis *et al.*, *275 Ill.*, 581; see article II, section 2 and article IV, section 22 (in general).

In all other cases where a general law can be made applicable, no special law shall be enacted.

Owners of Lands *v.* People *ex rel.*, *113 Ill.*, 296; Sanitary District of Chicago *v.* Ray, *199 Ill.*, 63; City of Mt. Vernon *v.* Evens and Howard Fire Brick Company, *204 Ill.*, 32; People *ex rel. v.* Bowman, *247 Ill.*, 276; Commissioners of Lincoln Park *v.* Fahrney, *250 Ill.*, 256.

SECTION 23. The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

City of Chicago *v.* Pittsburg, Cincinnati, Chicago, and St. Louis Railway Company, *244 Ill.*, 220.

Impeachment

SECTION 24. The House of Representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall be upon oath, or affirmation to do justice according to law and evidence. When the Governor of the State is tried, the Chief Justice shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. But judgment, in such cases,

shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Miscellaneous

SECTION 25. The General Assembly shall provide, by law, that the fuel, stationery, and printing paper furnished for the use of the State; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the Governor, and if he disapproves the same there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

Dement *et al. v.* Rokker *et al.*, *126 Ill.*, 174.

SECTION 26. The State of Illinois shall never be made defendant in any court of law or equity.

German Alliance Insurance Company *et al. v.* Van Cleave *et al.*, *191 Ill.*, 410; Joos *v.* Illinois National Guard *et al.*, *257 Ill.*, 138; Minear *v.* State Board of Agriculture, *259 Ill.*, 549; Brundage *v.* Knox *et al.*, *279 Ill.*, 450.

SECTION 27. The General Assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SECTION 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

Crook *v.* People *ex rel.*, *106 Ill.*, 237.

SECTION 29. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other

appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

Starne *v.* People, *222 Ill.*, 189; Cook *v.* Big Muddy-Carterville Mining Company, *249 Ill.*, 41.

SECTION 30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

SECTION 31. The General Assembly may pass laws permitting the owners of lands to construct drains, ditches and levees for Agricultural, Sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof, with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by Special Assessments upon the property benefited thereby.[3]

Wilson *v.* Board of Trustees of the Sanitary District of Chicago *et al.*, *133 Ill.*, 443; People *ex rel. v.* Drainage Commissioners, *143 Ill.*, 417; Herschbach *v.* Kaskaskia Island Sanitary and Levee District *265 Ill.*, 388; see Updike *v.* Wright, *81 Ill.*, 49.

SECTION 32. The General Assembly shall pass liberal Homestead and Exemption laws.

SECTION 33. The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion, and furnishing of the State House, a sum exceeding, in the aggregate, three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State, at a general election; nor

[3] As amended by the first amendment to the constitution. The amendment was proposed by resolution of the general assembly in 1877. It was ratified by the voters on November 5, 1878, and proclaimed adopted on November 29, 1878. The section as it originally appeared is as follows:

"SECTION 31. The General Assembly may pass laws permitting the owners or occupants of lands to construct drains and ditches, for agricultural and sanitary purposes, across the lands of others."

unless a majority of all the votes cast at such election shall be for the proposed additional expenditure.

People *v.* Stuart *et al.*, 97 *Ill.*, 123.

SECTION 34. The General Assembly shall have power, subject to the conditions and limitations hereinafter contained, to pass any law (local, special or general) providing a scheme or charter of local municipal government for the territory now or hereafter embraced within the limits of the city of Chicago. The law or laws so passed may provide for consolidating (in whole or in part) in the municipal government of the city of Chicago, the powers now vested in the city, board of education, township, park and other local governments and authorities having jurisdiction confined to or within said territory, or any part thereof, and for the assumption by the city of Chicago of the debts and liabilities (in whole or in part) of the governments or corporate authorities whose functions within its territory shall be vested in said city of Chicago, and may authorize said city, in the event of its becoming liable for the indebtedness of two or more of the existing municipal corporations lying wholly within said city of Chicago, to become indebted to an amount (including its existing indebtedness and the indebtedness of all municipal corporations lying wholly within the limits of said city, and said city's proportionate share of the indebtedness of said county and sanitary district which share shall be determined in such manner as the General Assembly shall prescribe) in the aggregate not exceeding five per centum of the full value of the taxable property within its limits, as ascertained by the last assessment either for State or municipal purposes previous to the incurring of such indebtedness (but no new bonded indebtedness, other than for refunding purposes, shall be incurred until the proposition therefor shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special); and may provide for the assessment of property and the levy and collection of taxes within said city for corporate purposes in accordance with the principles of equality and uniformity prescribed by this Constitution; and may abolish all offices, the functions of which shall be otherwise provided for; and may provide for the annexation of territory to or disconnec-

tion of territory from said city of Chicago by the consent of a majority of the legal voters (voting on the question at any election, general, municipal or special) of the said city and of a majority of the voters of such territory, voting on the question at any election, general, municipal or special; and in case the General Assembly shall create municipal courts in the city of Chicago it may abolish the offices of justices of the peace, police magistrates and constables in and for the territory within said city, and may limit the jurisdiction of justices of the peace in the territory of said county of Cook outside of said city to that territory, and in such case the jurisdiction and practice of said municipal courts shall be such as the General Assembly shall prescribe; and the General Assembly may pass all laws which it may deem requisite to effectually provide a complete system of local municipal government in and for the city of Chicago.

No law based upon this amendment to the Constitution, affecting the municipal government of the city of Chicago, shall take effect until such law shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special; and no local or special law based upon this amendment affecting specially any part of the city of Chicago shall take effect until consented to by a majority of the legal voters of such part of said city voting on the question at any election, general, municipal or special. Nothing in this section contained shall be construed to repeal, amend or affect section four (4) of Article XI of the Constitution of this State.[4]

Miller *v.* People, *230 Ill.*, 65; City of Chicago *v.* Williams, *254 Ill.*, 360.

ARTICLE V

Executive Department

SECTION 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction,

[4] Section 34 was added by the sixth amendment to the constitution. The amendment was proposed by a resolution of the general assembly in 1903. It was ratified by the voters on November 8, 1904, and proclaimed adopted on December 5, 1904.

and Attorney General, who shall, each, with the exception of the Treasurer, hold his office for the term of four years from the second Monday of January next after his election, and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

People *ex rel. v.* McCullough, *254 Ill.*, 9; Fergus *et al. v.* Russel *et al., 270 Ill.*, 304 (333–343).

SECTION 2. The Treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the Governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

Election

SECTION 3. An election for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, and Attorney General, shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for Superintendent of Public Instruction on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and seventy, and every four years thereafter; and for Treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

SECTION 4. The returns of every election for the above named officers shall be sealed up and transmitted, by the returning officers, to the Secretary of State, directed to the "The Speaker of the House of Representatives," who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the

highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

Eligibility

SECTION 5. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction nor Attorney General shall be eligible to any other office during the period for which he shall have been elected.

People *ex rel. v.* Inglis, *161 Ill.*, 256.

Governor

SECTION 6. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

People *ex rel. v.* McCullough, *254 Ill.*, 9; see Field *v.* People *ex rel.*, *2 Scammon* (*3 Ill.*), 79.

SECTION 7. The Governor shall, at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session present estimates of the amount of money required to be raised by taxation for all purposes.

SECTION 8. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they were called together.

Report of the Attorney-General of Illinois, 1912, p. 73, 83.

SECTION 9. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

Report of the Attorney-General of Illinois, 1912, p. 73; see article IV, section 10; People *ex rel. v.* Hatch, *33 Ill.*, 9 (131, 156).

SECTION 10. The Governor shall nominate, and, by and with the advice and consent of the Senate, (a majority of all the Senators elected concurring, by yeas and nays), appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

Wilcox *et al. v.* People *ex rel.*, *90 Ill.*, 186; People *v.* Evans, *247 Ill.*, 547; see Bunn *et al. v.* People *ex rel.*, *45 Ill.*, 397.

SECTION 11. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the General Assembly.

Wilcox *et al. v.* People *ex rel.*, *90 Ill.*, 186; see people *v.* Forquer, *Breese (1 Ill.)*, 104.

SECTION 12. The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as is herein provided in other cases of vacancy.

Wilcox *et al. v.* People *ex rel.*, *90 Ill.*, 186; People *ex rel. v.* Nellis, *249 Ill.*, 12.

SECTION 13. The Governor shall have power to grant reprieves,

commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

Meul *v.* People, *198 Ill.*, 258; People *v.* Joyce, *246 Ill.*, 124.

SECTION 14. The Governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

SECTION 15. The Governor, and all civil officers of the State, shall be liable to impeachment for any misdemeanor in office.

Donahue *v.* County of Will *et al.*, *100 Ill.*, 94.

Veto

SECTION 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections, to the House in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor; but in all such cases the vote of each house shall be determined by yeas and nays to be entered *upon* the journal.

Bills making appropriations of money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections, and if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not

approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law notwithstanding the objections of the Governor. Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him shall become a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment prevent its return, in which case it shall be filed with his objections, in the office of the Secretary of State, within ten days after such adjournment, or become a law.[5]

People *ex rel. v.* McCullough, *210 Ill.*, 488; Fergus *et al. v.* Russel *et al.*, *270 Ill.*, 304 (348-352); see People *ex rel. v.* Hatch, *33 Ill.*, 9.

[5] As amended by the third amendment to the constitution. The amendment was proposed by resolution of the general assembly in 1883. It was ratified by the people on November 4, 1884, and proclaimed adopted on November 28, 1884. The section as it originally appeared is as follows:

"SECTION 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If, then, two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. But in all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. Any bill which shall be returned by the Governor within ten days (Sundays excepted), after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case it shall be filed with his objections, in the office of the Secretary of State, within ten days after such adjournment, or become a law."

Lieutenant Governor

SECTION 17. In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

SECTION 18. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President, *pro tempore,* to preside in case of the absence or impeachment of the Lieutenant Governor, or when he shall hold the office of Governor.

SECTION 19. If there be no Lieutenant Governor, or if the Lieutenant Governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Other State Officers

SECTION 20. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General, or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the Executive Department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath; and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

People *v.* Whittemore *et al.*, *253 Ill.*, 378.

SECTION 21. The officers of the Executive Department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports to the General Assembly, together with the reports of the Judges of the Supreme Court of defects in the Constitution and laws; and the Governor may at any time require information, in writing, under oath, from the officers of the Executive Department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

People *v.* Whittemore *et al.*, *253 Ill.*, 378.

The Seal of State

SECTION 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the Secretary of State, and used by him, officially, as directed by law.

Fees and Salaries

SECTION 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

Fees: Whittemore *v.* People, *227 Ill.*, 453; Board of Trade of the City of Chicago *et al. v.* Cowen *et al.*, *252 Ill.*, 554.

Salaries: City of Chicago *v.* Wolf *et al.*, *221 Ill.*, 130; Whittemore *v.* People, *227 Ill.*, 453; see Foreman *et al. v.* People *ex rel.*, *209 Ill.*, 567 and article IV, sections 19, 21; article VI, sections 7, 16, 25; article VIII, section 5; article IX, section 11; article X, section 10.

Definition and Oath of Office

SECTION 24. An office is a public position, created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

State Board of Agriculture *v.* Brady *et al.*, *266 Ill.*, 592; Fergus *et al. v.* Russel, *270 Ill.*, 304 (318); see Bunn *et al. v.* People *ex rel.*, *45 Ill.*, 397; article IV, section 16.

SECTION 25. All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of.....according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification.

School Directors of District No. 13 *v.* People *ex rel.*, *79 Ill.*, 511; People *ex rel. v.* Hoffmann *et al.*, *116 Ill.*, 587; People *ex rel. v.* Loeffler, *175 Ill.*, 585.

ARTICLE VI

Judicial Department

SECTION 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one Supreme Court, Circuit Courts, County Courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

People *ex rel. v.* Chase, *165 Ill.*, 527; *in re* Day, *181 Ill.*, 73; Witter *v.* County Commissioners of Cook County *et al.*, *256 Ill.*, 616.

Supreme Court

SECTION 2. The Supreme Court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue,

in *mandamus,* and *habeas corpus,* and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

Young *et al. v.* Stearns *et al., 91 Ill.,* 221; Canby *v.* Hartzell, *167 Ill.,* 628; People *ex rel. v.* City of Chicago and Schlesinger and Mayer, *193 Ill.,* 507; Drainage Commissioners of the Town of Niles *v.* Harms, *238 Ill.,* 414; George *et al. v.* George *et al., 250 Ill.,* 251; People *v.* Holten *et al., 259 Ill.,* 219; Courter *v.* Simpson Construction Company, *264 Ill.,* 488.

SECTION 3. No person shall be eligible to the office of judge of the Supreme Court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

SECTION 4. Terms of the Supreme Court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the Northern Division, in the City of Chicago, each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.

SECTION 5. The present grand divisions shall be preserved, and be denominated Southern, Central and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and, until otherwise provided by law, they shall be as follows:

First District—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Jackson, Alexander, Pulaski and Massac.

Second District—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

Third District—The counties of Sangamon, Macon, Logan, Dewitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

Sixth District—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle and Rock Island.

Seventh District—The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made, the same shall be upon the rule of equality of population, as nearly as county boundaries will allow; and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

People *ex rel. v.* Rose, *203 Ill.*, 46; see article v, section 6.

SECTION 6. At the time of voting on the adoption of this Constitution, one judge of the Supreme Court shall be elected by the electors thereof, in each of said districts numbered two, three, six, and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this Constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire. The Chief Justice shall continue to act as such until the expiration of the term for

which he was elected, after which the Judges shall choose one of their number Chief Justice.

SECTION 7. From and after the adoption of this Constitution, the judges of the Supreme Court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

See Foreman *et al. v.* People *ex rel.*, *209 Ill.*, 567; article IV, sections 19, 21; article V, section 23; article VI, sections 16, 25; article VIII, section 5; article IX, section 11; article X, section 10.

SECTION 8. Appeals and writs of error may be taken to the Supreme Court, held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

See article VI, section 2.

SECTION 9. The Supreme Court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the Court.

SECTION 10. At the time of the election for representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

Appellate Courts

SECTION 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior Appellate Courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from Circuit and other courts, and from which appeals and writs of error shall lie to the Supreme Court, in all criminal cases, and cases in which

a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such Appellate Courts shall be held by such number of Judges of the Circuit Courts, and at such times and places, and in such manner, as may be provided by law; but no Judge shall sit in review upon cases decided by him; nor shall said Judges receive any additional compensation for such services.

Young *et al. v.* Stearns *et al., 91 Ill.*, 221; People *ex rel. v.* Hoyne, *262 Ill.*, 82; Freitag *v.* Union Stock Yard and Transit Company, *262 Ill.*, 551; see Indiana Millers' Mutual Fire Insurance Company *et al. v.* People, *170 Ill.*, 474.

Circuit Courts

SECTION 12. The Circuit Courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of Judges of Circuit Courts shall be six years.

Berkowitz *v.* Lester *et al., 121 Ill.*, 99; Drainage Commissioners of the Town of Niles *v.* Harms, *238 Ill.*, 414; People *v.* Jacobson, *247 Ill.*, 394; Frackelton *v.* Masters *et al., 249 Ill.*, 30; see article IV, section 34; article VI, section 20.

SECTION 13. The State, exclusive of the county of Cook and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the Circuit Courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every one hundred thousand of population in the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided,* that the circuits may be equalized or changed at the first session of the General Assembly, after the adoption of this Constitution. The creation, alteration or change of any circuit shall not effect the tenure of office of any judge.

Whenever the business of the Circuit Court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

People *ex rel. v.* Rose, *166 Ill.*, 422.

SECTION 14. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the Circuit Courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

Kepley *et al. v.* People, *123 Ill.*, 367; People *ex rel. v.* Knopf, *198 Ill.*, 340.

SECTION 15. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

People *v.* Wall, *88 Ill.*, 75; People *ex rel. v.* Rose, *166 Ill.*, 422.

SECTION 16. From and after the adoption of this Constitution, Judges of the Circuit Courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law. And after their salaries shall be fixed by law, they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected; and from and after the adoption of this Constitution, no judge of the Supreme or Circuit Court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

Hall *v.* Hamilton, *74 Ill.*, 437; Foreman *et al. v.* People, *209 Ill.*, 567; People *v.* Sweitzer, *280 Ill.*, 436; see article IV, sections 19, 21,

article v, section 23; article vi, sections 7, 25; article viii, section 5; article ix, section 11; article x, section 10.

Section 17. No person shall be eligible to the office of Judge of the circuit or any inferior court, or to membership in the "Board of County Commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

People *ex rel. v.* McCormick, *261 Ill.*, 413; see article vii, section 6.

County Courts

Section 18. There shall be elected in and for each county, one county judge and one clerk of the county court, whose terms of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County Courts shall be courts of record, and shall have original jurisdiction in all matters of probate; settlement of estates of deceased persons; appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

Klokke *v.* Dodge, *103 Ill.*, 125; Frackelton *v.* Masters *et al.*, *249 Ill.*, 30.

Section 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

See Hart Brothers *et al. v.* West Chicago Park Commissioners, *186 Ill.*, 464.

Probate Courts

Section 20. The General Assembly may provide for the establishment of a Probate Court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner.

Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of the sales of real estate of deceased persons for the payment of debts.

People *ex rel. v.* Loomis *et al., 96 Ill.*, 377; Klokke *v.* Dodge, *103 Ill.*, 125; Frackelton *v.* Masters *et al., 249 Ill.*, 30.

Justices of the Peace and Constables

SECTION 21. Justices of the peace, police magistrates, and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

People *ex rel. v.* Meech, *101 Ill.*, 200; Commissioners of Highways of the Town of Goshen *v.* Jackson, *165 Ill.*, 17; People *ex rel. v.* Bollam, *182 Ill.*, 528; see article VI, section 29.

State's Attorneys

SECTION 22. At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's Attorney in and for each county, in lieu of the State's Attorneys now provided by law, whose term of office shall be four years.

Courts of Cook County

SECTION 23. The county of Cook shall be one judicial circuit. The Circuit Court of Cook county shall consist of five judges, until their number shall be increased, as herein provided. The present Judge of the Recorder's Court of the city of Chicago, and the present Judge of the Circuit Court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The Superior Court of Chicago shall be continued, and called the Superior Court of Cook County. The General Assembly may increase the number of said judges, by add-

ing one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts hereafter elected, shall be six years.

Cobe *v.* Guyer *et al.*, *237 Ill.*, 516.

SECTION 24. The judge having the shortest unexpired term shall be Chief Justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

Hall *v.* Hamilton, *74 Ill.*, 437; Cobe *v.* Guyer, *237 Ill.*, 516.

SECTION 25. The judges of the Superior and Circuit Courts, and the State's Attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's Attorney's of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law; such compensation shall not be changed during their continuance in office.

Foreman *et al. v.* People *ex rel.*, *209 Ill.*, 567; County of Cook *v.* Healy, *222 Ill.*, 310; see article IV, sections 19, 21; article V, section 23; article VI, sections 7, 16; article VIII, section 5; article IX, section 11; article X, section 10.

SECTION 26. The Recorder's Court of the city of Chicago shall be continued and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court, in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said Criminal Court of Cook County shall be held by one or more of the judges of the Circuit or Superior Court of Cook county, as nearly as may be in alteration, as may be determined

by said judges, or provided by law. Said judges shall be *ex-officio,* judges of said court.

Berkowitz *v.* Lester *et al.*, *121 Ill.*, 99; Greene *v.* People, *182 Ill.*, 278; Bratsch *v.* People, *195 Ill.*, 165; People *v.* Jacobson, *247 Ill.*, 394; People *v.* Gartenstein, *248 Ill.*, 546.

SECTION 27. The present Clerk of the Recorder's Court of the city of Chicago, shall be the Clerk of the Criminal Court of Cook county, during the term for which he was elected. The present Clerks of the Superior Court of Chicago, and the present Clerk of the Circuit Court of Cook County, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one Clerk of the Superior Court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

SECTION 28. All justices of the peace in the city of Chicago shall be appointed by the Governor, by and with advice and consent of the Senate, (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

People *ex rel. v.* O'Toole, *164 Ill.*, 344; Kaufman *v.* People *ex rel.*, *185 Ill.*, 113.

General Provisions

SECTION 29. All judicial officers shall be commissioned by the Governor. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings and practice of all courts, of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.

People *ex rel. v.* Meech, *101 Ill.*, 200; Tissier *v.* Rhein, *130 Ill.*,

110; People *ex rel. v.* Onahan *et al., 170 Ill.*, 449; People *v.* Cosmopolitan Fire Insurance Company, *246 Ill.*, 442; but see City of Chicago *v.* Williams, *254 Ill.*, 360; David *v.* Commercial Mutual Accident Company, *243 Ill.*, 43, and article IV, section 34; Waugh *v.* Glos *et al., 246 Ill.*, 604; People *ex rel. v.* Rodenberg, *254 Ill.*, 386; see article VI, section 21.

SECTION 30. The General Assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned, shall be removed from office on prosecution and final conviction, for misdemeanor in office.

SECTION 31. All judges of courts of record, inferior to the Supreme Court, shall, on or before the first day of June, of each year, report in writing to the judges of the Supreme Court, such defects and omissions in the law as their experience may suggest; and the judges of the Supreme Court shall, on or before the first day of January, of each year, report in writing to the Governor such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next General Assembly the number of days they have held court in the several counties composing their respective circuits, the preceding two years.

Correspondence between Governor and Judges of Supreme Court, *243 Ill.*, 9.

SECTION 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is, or may be, provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year the vacancy shall be filled by appointment, as follows: Of judges, by the Governor; of clerks of courts, by the

court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

People *ex rel. v.* Kingsbury, *100 Ill.*, 509; People *ex rel. v.* Olson *et al., 245 Ill.*, 288.

SECTION 33. All process shall run; *In the name of the People of the State of Illinois;* and all prosecutions shall be carried on; *In the name and by the authority of the People of the State of Illinois;* and conclude; *Against the peace and dignity of the same.*

"Population," whenever used in this article, shall be determined by the next preceding census of this State, or of the United States.

People *v.* Gartenstein, *248 Ill.*, 546; People *v.* Larsen, *265 Ill.*, 406.

ARTICLE VII

Suffrage

SECTION 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

People *ex rel. v.* Hoffman *et al., 116 Ill.*, 587; Plummer *et al. v.* Yost *et al., 144 Ill.*, 68; Scown *v.* Czarnecki *et al., 264 Ill.*, 305; People *ex rel. v.* Peltier *et al., 265 Ill.*, 630; People *ex rel. v.* Byers, *271 Ill.*, 600; Franklin *v.* Westfall, *273 Ill.*, 402; Alberts *et al. v.* Town of Danforth *et al., 281 Ill.*, 521; see article II, section 18.

Cumulative voting: see article IV, sections 7 and 8; People *ex rel. v.* Taylor *et al., 257 Ill.*, 192.

Primary elections: People *v.* Election Commissioners, *221 Ill.*, 9; Rouse *v.* Thompson, *228 Ill.*, 522; People *v.* Strassheim, *240 Ill.*, 279; People *v.* Deneen, *247 Ill.*, 289.

SECTION 2. All votes shall be by ballot.

Lynch *v.* Malley, *215 Ill.*, 574; People *v.* Taylor, *257 Ill.*, 192; People *ex rel. v.* Czarnecki, *266 Ill.*, 372.

SECTION 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

SECTION 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State, or in the military or naval service of the United States.

SECTION 5. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed therein.

SECTION 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

People *ex rel. v.* McCormick, *261 Ill.*, 413.

SECTION 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

Christie *v.* People, *206 Ill.*, 337.

ARTICLE VIII

Education

SECTION 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

Powell *et al. v.* Board of Education, *97 Ill.*, 375; People *ex rel. v.* Mayor and Common Council of Alton, *193 Ill.*, 309; People *ex rel. v.* Board of Education *et al.*, *234 Ill.*, 422; People *v.* Moore *et al.*, *240 Ill.*, 408; see People *ex rel. v.* English *et al.*, *139 Ill.*, 622, and also Plummer *et al. v.* Yost *et al.*, *144 Ill.*, 68.

SECTION 2. All lands, moneys, or other property, donated, granted or received for school, college, seminary or university pur-

poses, and the proceeds thereof, shall be faithfully applied to the objects for which such gift or grants were made.

Grosse *v.* People *ex rel.*, *218 Ill.*, 342; City of Chicago, *et al. v.* Tribune Company, *248 Ill.*, 242.

SECTION 3. Neither the General Assembly nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

County of Cook *v.* Chicago Industrial School for Girls, *125 Ill.*, 540; but see Dunn *v.* Chicago Industrial School for Girls *et al.*, *280 Ill.*, 613; People *ex rel. v.* Board of Education, *245 Ill.*, 334; Reichwald *v.* Catholic Bishop of Chicago *et al.*, *258 Ill.*, 44; see article II, section 3.

SECTION 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used, in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

SECTION 5. There may be a County Superintendent of Schools in each county whose qualifications, powers, duties, compensation, and time and manner of election, and term of office, shall be prescribed by law.

Jimison *v.* Adams County, *130 Ill.*, 558; People *ex rel. v.* English *et al.*, *139 Ill.*, 622; Plummer *et al. v.* Yost *et al.*, *144 Ill.*, 68; see article IV, sections 19, 21; article V, section 23; article VI, sections 7, 16, 25; article IX, section 11; and article X, section 10.

ARTICLE IX

Revenue

SECTION 1. The General Assembly shall provide such revenue as may be needful, by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property—such value to be ascertained by some

person or persons, to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll bridges, ferries, insurance, telegraph and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall, from time to time, direct by general law, uniform as to the class upon which it operates.

City of Carrollton *v.* Bazzette, *159 Ill.*, 284; Union Central Life Insurance Company *v.* Durfee, *164 Ill.*, 186; Banta *v.* City of Chicago, *172 Ill.*, 204; but see Price *v.* People, *193 Ill.*, 114; Raymond *et al. v.* Hartford Fire Insurance Company *et al.*, *196 Ill.*, 329; Harder's Fire Proof Storage and Van Company *v.* City of Chicago, *235 Ill.*, 58; First National Bank of Urbana *v.* Holmes *et al.*, *246 Ill.*, 362; but see Raymond *v.* Chicago Union Traction Company, *207 U. S.*, 20; City of Paxton *v.* Fitzsimmons, *253 Ill.*, 355; see Board of Education *v.* Haworth, *274 Ill.*, 538.

SECTION 2. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

Kochersperger *v.* Drake *et al.*, *167 Ill.*, 122; Harder's Fire Proof Storage and Van Company *v.* City of Chicago, *235 Ill.*, 58.

SECTION 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

People's Loan and Homestead Association of Joliet *v.* Keith, *153 Ill.*, 609; Supreme Lodge *v.* Board of Review of Effingham County, *223 Ill.*, 54; People *ex rel v.* First Congregational Church of Oak Park, *232 Ill.*, 158; but see First Congregational Church of DeKalb *v.* Board of Review of DeKalb County, *254 Ill.*, 220; Consolidated Coal Company *v.* Miller *et al.*, *236 Ill.*, 149; People *ex rel. v.* Deutsche Gemeinde, *249 Ill.*, 132.

SECTION 4. The General Assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer, of the county, having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order of judgment of some court of record.

Chambers *v.* People *ex rel.*, *113 Ill.*, 509.

SECTION 5. The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character, whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. And the General Assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided,* that occupants shall in all cases be served with personal notice before the time of redemption expires.

Frew *v.* Taylor, *106 Ill.*, 159; Gonzalia *et al. v.* Bartelsman, *143 Ill.*, 634; Palmer *v.* Riddle, *180 Ill.*, 461.

SECTION 6. The General Assembly shall have no power to release or discharge any county, city, township, town or district, whatever, or the inhaitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

People's Loan and Homestead Association of Joliet *v.* Keith, *153 Ill.*, 609; Raymond *et al. v.* Hartford Fire Insurance Company *et al.*, *196 Ill.*, 329; Board of Education *v.* Haworth, *274 Ill.*, 538.

SECTION 7. All taxes levied for State purposes shall be paid into the State treasury.

People *ex rel. v.* Lippincott, *65 Ill.*, 548.

SECTION 8. County authorities shall never assess taxes, the aggregate of which shall exceed seventy-five cents per one hundred dollars' valuation, except for the payment of indebtedness existing

at the adoption of this Constitution, unless authorized by a vote of the people of the county.

Wright *et al. v.* Wabash, St. Louis, and Pacific Railway Company, *120 Ill.*, 541; County of Coles *v.* Goehring, *209 Ill.*, 142; Booth *v.* Opel, *244 Ill.*, 317; but see Hodges *et al. v.* Crowley, *186 Ill.*, 305; also see article IX, section 12.

SECTION 9. The General Assembly may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform, in respect to persons and property, within the jurisdiction of the body imposing the same.

Taxes for corporate purposes—uniformity—corporate authorities: Sherlock *et al. v.* Village of Winnetka, *68 Ill.*, 530; see article IX, section 1; West Chicago Park Commissioners *v.* Western Union Telegraph Company *et al.*, *103 Ill.*, 33; Cornell *v.* People *ex rel.*, *107 Ill.*, 372; Wetherell *v.* Devine, *116 Ill.*, 631; People *ex rel. v.* Knopf, *171 Ill.*, 191; People *et al. v.* Block *et al.*, *276 Ill.*, 286; see Herschbach *v.* Kaskaskia Island Sanitary and Levee District, *265 Ill.*, 388, and article IV, section 31.

Special assessments—what is a local improvement—when may special assessments be levied—corporate authorities—special assessment and special taxation: Craw *et al. v.* Village of Tolono *et al.*, *96 Ill.*, 255; Crane *et al. v.* West Chicago Park Commissioners, *153 Ill.*, 348; Loeffler *v.* City of Chicago *et al.*, *246 Ill.*, 43.

Updike *v.* Wright *81 Ill.*, 49; see article IV, section 31 and Herschbach *v.* Kaskaskia Island Sanitary and Levee District, *265 Ill.*, 388.

West Chicago Park Commissioners *v.* Western Union Telegraph Company, *103 Ill.*, 33; Cornell *v.* People *ex rel.*, *107 Ill.*, 372; Wetherell *v.* Devine, *116 Ill.*, 631; West Chicago Park Commissioners *v.* Sweet *et al.*, *167 Ill.*, 326, and see Van Nada *et al. v.* Goedde *et al.*, *263 Ill.*, 105.

Kuehner *et al. v.* City of Freeport, *143 Ill.*, 92; Hoover *v.* People *ex rel.*, *171 Ill.*, 182.

SECTION 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the

payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

Marshall *et al. v.* Silliman *et al.*, *61 Ill.*, 218; City of Chicago *v.* Manhattan Cement Company, *178 Ill.*, 372; Morgan *et al. v.* Schusselle *et al.*, *228 Ill.*, 106; People *et al. v.* Block *et al.*, *276 Ill.*, 286; see Wilson *v.* Board of Trustees of the Sanitary District of Chicago *et al.*, *133 Ill.*, 443; see article IX, sections 1, 9.

SECTION 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

County of Cook *v.* Sennott, *136 Ill.*, 314; Wolf *v.* Hope, *210 Ill.*, 50; City of Chicago *v.* Wolf *et al.*, *221 Ill.*, 130; see article IV, sections 19, 21; article V, section 23; article VI, sections 7, 16, 25; article VIII, section 5; article X, section 10.

SECTION 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same.

This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this Constitution in pursuance of any law providing therefor.

City of Bloomington *v.* Perdue, *99 Ill.*, 329; Wilson *v.* Board of Trustees of the Sanitary District of Chicago *et al.*, *133 Ill.*, 443; City of Chicago *v.* Manhattan Cement Company, *178 Ill.*, 372; City of Chicago *et al. v.* Fishburn, *189 Ill.*, 367; Russell *v.* High School Board of Education *et al.*, *212 Ill.*, 327; Lobdell *et al. v.* City of Chicago *et al.*, *227 Ill.*, 218; Schnell *et al. v.* City of Rock Island *et al.*, *232 Ill.*, 89; Booth *v.* Opel, *244 Ill.*, 317; but see Hodges *et al. v.* Crowley, *186 Ill.*, 305; People *ex rel. v.* Chicago and Alton Railroad Company *et al.*, *253 Ill.*, 191; People *ex rel. v.* Honeywell, *258 Ill.*, 319; see article IX, section 8.

SECTION 13. The corporate authorities of the city of Chicago are hereby authorized to issue interest-bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him under the direction and control of the directors in aid of the World's Columbian Exposition, to be held in the city of Chicago in pursuance of an act of Congress of the United States: *Provided,* that if, at an election for the adoption of this amendment to the constitution, a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment. And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid: Provided, that said authorities may take, in whole or in part of the sum coming to them, any permanent improvements placed on land held or controlled by them: *And provided further,* that no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax or fund, but the same shall be paid by the said city of Chicago alone.[6]

Stone *v.* City of Chicago, *207 Ill.*, 492.

[6] Section 13 was added by the fifth amendment to the constitution. The amendment was proposed by a resolution of the general assembly in 1890. It was ratified by the voters on November 4, 1890, and proclaimed adopted on November 29 of the same year.

ARTICLE X

Counties

SECTION 1. No new county shall be formed or established by the General Assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

SECTION 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

People *ex rel. v.* Marshall, *12 Ill.*, 391.

SECTION 3. There shall be no territory stricken from any county, unless a majority of the voters living in such territory, shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

People *ex rel. v.* Marshall, *12 Ill.*, 391.

County Seats

SECTION 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such elec-

tion. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the center of the county, then a majority vote only shall be necessary.[7]

Village of Ridgway *v.* County of Gallatin *et al.*, *181 Ill.*, 521.

County Government

SECTION 5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name; and the day of holding the annual township meeting shall be uniform throughout the State.

People *ex rel. v.* Knopf, *171 Ill.*, 191; People *v.* Board of Commissioners of Cook County *et al.*, *176 Ill.*, 576; People *ex rel. v.* Martin, *178 Ill.*, 611.

[7] In the section as it originally appeared the words "a majority" appeared instead of the word "three-fifths" and the last sentence was omitted. Under the terms of section 12 of the schedule the word "three-fifths" was substituted for the words "a majority" and the last sentence of the section was added.

SECTION 6. At the first election of County Judges under this Constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

People *ex rel. v.* McCormick, *261 Ill.*, 413.

SECTION 7. The county affairs of Cook county shall be managed by a Board of Commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago, and five from towns outside of said city, in such manner as may be provided by law.

Dahnke *v.* People, *168 Ill.*, 102; People *ex rel. v.* Board of Commissioners of Cook County *et al.*, *176 Ill.*, 576; Morrison *et al. v.* People, *196 Ill.*, 454; see People *ex rel v.* McCormick, *261 Ill.*, 413.

County Officers and Their Compensation

SECTION 8. In each county there shall be elected the following County Officers at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882, a County Judge, County Clerk, Sheriff and Treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a Coroner and a Clerk of the Circuit Court (who may be ex-officio recorder of deeds, except in Counties having 60,000 and more inhabitants, in which Counties a Recorder of deeds shall be elected at the general election in 1884), each of said officers shall enter upon the duties of his office, respectively on the first Monday of December, after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified:

Provided, That no person having once been elected to the office of Sheriff, or Treasurer shall be eligible to said office for four years

after the expiration of the term for which he shall have been elected.[8]

People *ex rel. v.* Kingsbury, *100 Ill.*, 509; see article VI, section 32; McChesney *v.* People *ex rel., 174 Ill.*, 46.

SECTION 9. The clerks of all the courts of record, the Treasurer, Sheriff, Coroner and Recorder of Deeds of Cook county shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a Judge of the Circuit Court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amount of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the Circuit court, to be entered of record, and their compensation shall be determined by the County Board.

County of Cook *v.* Sennott, *136 Ill.*, 314; County of Cook *v.* Hartney, *169 Ill.*, 566; Helliwell *et al. v.* Sweitzer, *278 Ill.*, 248.

SECTION 10. The County Board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; they shall not allow either of

[8] As modified by the second amendment to the constitution. The amendment was proposed by a resolution of the general assembly in 1879. It was ratified by the voters on November 2, 1880, and proclaimed adopted on November 22, 1880. Section 8 as originally adopted reads:

"SECTION 8. In each county there shall be elected the following county officers: County Judge, Sheriff, County Clerk, Clerk of the Circuit Court, (who may be ex officio Recorder of Deeds, except in counties having sixty thousand and more inhabitants, in which counties a Recorder of Deeds shall be elected at the general election in the year of our Lord one thousand eight hundred and seventy-two), Treasurer, Surveyor and Coroner, each of whom shall enter upon the duties of his office, respectively, on the first Monday of December after their election; and they shall hold their respective offices for the term of four years, except, the Treasurer, Sheriff and Coroner, who shall hold their offices for two years, and until their successors shall be elected and qualified."

them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars in counties containing over one hundred thousand and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants: *Provided,* that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

Jennings *v.* Fayette County, *97 Ill.*, 419; Brissenden *v.* County of Clay, *161 Ill.*, 216; Coles County *v.* Messer, *195 Ill.*, 540; but see People *v.* Fuller, *238 Ill.*, 116; Wulff *v.* Aldrich, *124 Ill.*, 591; County of Cook *v.* Hartney, *169 Ill.*, 566; Parker *v.* County of Richland, *214 Ill.*, 165; People *ex rel. v.* Chetlain, *219 Ill.*, 248; People *v.* Williams, *232 Ill.*, 519; Butzow *v.* Kern *et al.*, *264 Ill.*, 498; see article IV, sections 19, 21; article V, section 23; article VI, sections 7, 16, 25; article VIII, section 5; article IX, section 11.

SECTION 11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this constitution, and such officers shall receive only such fees as are provided by general law.

Board of Supervisors of Jefferson County *v.* Jones *et al.*, *63 Ill.*, 531.

SECTION 12. All laws fixing the fees of State, County and Township officers shall terminate with the terms, respectively, of those who may be in office at the meeting of the first General Assembly after the adoption of this constitution; and the

General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class.

This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers.

Kreitz *v.* Behrensmeyer, *149 Ill.*, 496; Cook County *v.* Fairbank *et al.*, *222 Ill.*, 578.

SECTION 13. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

People *ex rel. v.* Chetlain, *219 Ill.*, 248.

ARTICLE XI

Corporations

SECTION 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

Owners of Lands *v.* People *ex rel.*, *113 Ill.*, 296; People *ex rel. v.* Chicago Gas Trust Company, *130 Ill.*, 268; Braceville Coal Company *v.* People, *147 Ill.*, 66.

SECTION 2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

St. Louis, Alton, and Terre Haute Railroad Company *et al. v.* Belleville City Railway Company, *158 Ill.*, 390.

SECTION 3. The General Assembly shall provide, by law, that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote, in person or

by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

Durkee *v.* People *ex rel., 155 Ill.*, 354.

SECTION 4. No law shall be passed by the General Assembly, granting the right to construct and operate a Street Railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such Street Railroad.

Bryne *v.* Chicago General Railway Company *et al., 169 Ill.*, 75; Chicago General Railway Company *v.* City of Chicago, *176 Ill.*, 253; Chicago and Southern Traction Company *v.* Illinois Central Railroad Company, *246 Ill.*, 146; City of Chicago *et al. v.* O'Connell *et al., 278 Ill.*, 591.

Banks

SECTION 5. No State Bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created, or to be hereafter created. No act of the General Assembly authorizing or creating corporations or associations, with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

Reed *et al. v.* People *ex rel., 125 Ill.*, 592; Dupee *et al. v.* Swigert, *127 Ill.*, 494; but see People *v.* Adams State Bank, *272 Ill.*, 277; People *ex rel. v.* La Salle Street Trust and Savings Bank, *269 Ill.*, 518; People *ex rel. v.* Brady, *273 Ill.*, 178; Bank of the Republic *v.* County of Hamilton, *21 Ill.*, 53; Smith *v.* Bryan, *34 Ill.*, 364; and People *ex rel. v.* Loewenthal *et al., 93 Ill.*, 191.

SECTION 6. Every stockholder in a banking corporation or in-

stitution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

Dupee *et al. v.* Swigert, *127 Ill.*, 494; Golden *et al. v.* Cervenka *et al.*, *278 Ill.*, 409.

SECTION 7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs, (which shall be certified to, under oath, by one or more of its officers) as may be provided by law.

SECTION 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit, designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State Treasurer, in United States or Illinois State Stocks, to be rated at ten per cent. below their par value; and in case of a depreciation of said stocks to the amount of ten per cent. below par, the bank or banks owning said stocks shall be required to make up said deficiency, by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

People *ex rel. v.* La Salle Street Trust and Savings Bank, *269 Ill.*, 518.

Railroads

SECTION 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made and in which shall be kept, for public inspection, books, in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in and by whom; the

transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall, annually, make a report, under oath, to the Auditor of Public Accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

SECTION 10. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

Palmer *v.* Forbes *et al.*, *23 Ill.*, 301.

SECTION 11. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

Chicago and Milwaukee Electric Railroad Company *v.* Chicago and Northwestern Railway Company *et al.*, *211 Ill.*, 352; Venner *v.* Chicago City Railway Company, *258 Ill.*, 523.

SECTION 12. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

Toledo, Peoria, and Warsaw Railway Company *v.* Pence, *68 Ill.*, 524; Koelle *et al. v.* Knecht *et al.*, *99 Ill.*, 396; Chicago, Burlington, and Quincy Railroad Company *v.* Jones, *149 Ill.*, 361; People *ex rel. v.* St. Louis, Alton, and Terre Haute Railroad Company, *176*

Ill., 512; Litchfield and Madison Railway Company *et al. v.* People *ex rel.*, *222 Ill.*, 242.

SECTION 13. No railroad corporation shall issue any stock or bonds, except for money, labor or property, actually received, and applied to the purposes for which such corporation was created; and all stock dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days public notice, in such manner as may be provided by law.

Peoria and Springfield Railroad Company *v.* Thompson, *103 Ill.*, 187; People *v.* Union Consolidated Elevated Railway Company, *263 Ill.*, 32; People *v.* Union Elevated Railroad Company, *269 Ill.*, 212.

SECTION 14. The exercise of the power, and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

Alton and Southern Railroad *v.* Vandalia Railroad Company, *268 Ill.*, 68; see article II, section 13.

SECTION 15. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws, by adequate penalties, to the extent, if necessary, for that purpose, of forfeiture of their property and franchises.

Chicago and Alton Railroad Company *v.* People *ex rel.*, *67 Ill.*, 11.

ARTICLE XII

Militia

SECTION 1. The militia of the State of Illinois shall consist of all ablebodied male persons, resident in the State, between the

ages of eighteen and forty-five, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this State.

Dunne *v.* People, *94 Ill.*, 120.

SECTION 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SECTION 3. All militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the General Asembly may provide.

SECTION 4. The militia shall, in all cases; except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

SECTION 5. The military records, banners and relics of the State, shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the General Assembly to provide by law for the safe-keeping of the same.

SECTION 6. No person having conscientious scruples against bearing arms, shall be compelled to do militia duty in the time of peace: *Provided,* such person shall pay an equivalent for such exemption.

ARTICLE XIII

Warehouses

SECTION 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

Mayer *v.* Springer, *192 Ill.*, 270; Hannah *v.* People *ex rel.*, *198 Ill.*, 77; State Public Utilities Commission *v.* Monarch Refrigerating Company, *267 Ill.*, 528.

SECTION 2. The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such

place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots, shall not be mixed with inferior or superior grades, without the consent of the owner or consignee thereof.

SECTION 3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse in regard to such property.

SECTION 4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped, and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

Shellabarger Elevator Company *v.* Illinois Central Railroad Company, *278 Ill.*, 333.

SECTION 5. All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased or used, or which can be used, by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee, and any public warehouse, coal bank or coal yard may be reached by the cars on said railroad.

Hoyt *et al. v.* Chicago, Burlington, and Quincy Railroad Company, *93 Ill.*, 601; Millett *v.* People, *117 Ill.*, 294; Chicago and Alton Railroad Company *v.* Suffern *et al.*, *129 Ill.*, 274; Chicago, Madison, and Northern Railroad Company *et al. v.* National Elevator and Dock Company *et al.*, *153 Ill.*, 70.

SECTION 6. It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the

constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the General Assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

Munn *et al. v.* People, *69 Ill.*, 80; *94 U. S.*, 113; Hannah *v.* People, *198 Ill.*, 77; Shellabarger Elevator Company *v.* Illinois Central Railroad Company, *278 Ill.*, 333.

SECTION 7. The General Assembly shall pass laws for the inspection of grain, for the protection of producers, shippers and receivers of grain and produce.

People *v.* Harper *et al.*, *91 Ill.*, 357; Board of Trade of the City of Chicago *et al. v.* Cowen *et al.*, *252 Ill.*, 554.

ARTICLE XIV

Amendments to the Constitution

SECTION 1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a Convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the next session, provide for a convention, to consist of double the number of members of the Senate, to be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the act calling the Convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding the members shall take an oath to support the Constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the Convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said Convention shall meet within three months after

such election, and prepare such revision, alteration or amendments of the Constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved, by a majority of the electors voting at the election, no such revision, alterations or amendments shall take effect.

SECTION 2. Amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this Constitution. But the General Assembly shall have no power to propose amendments to more than one article of this Constitution at the same session, nor to the same article oftener than once in four years.

People *ex rel. v.* Board of Supervisors of La Salle County, *100 Ill.*, 495; City of Chicago *v.* Reeves, *220 Ill.*, 274; People *v.* Stevenson, *281 Ill.*, 17.

SECTIONS SEPARATELY SUBMITTED[9]

Illinois Central Railroad

No contract, obligation or liability whatever, of the Illinois Central Railroad Company, to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said Company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be

[9] See schedule, section 12.

released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

State of Illinois *v.* Illinois Central Railroad Company, *246 Ill.*, 188.

Minority Representation

(See article IV, sections 7 and 8)

Municipal Subscriptions to Railroads or Private Corporations

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of, such corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

Casey *et al. v.* People *ex rel., 132 Ill.*, 546; Williams *v.* People *ex rel., 132 Ill.*, 574; Washingtonian Home of Chicago *v.* City of Chicago, *157 Ill.*, 414; Stebbins *v.* Perry County, *167 Ill.*, 567; City of Chicago *v.* Pittsburg, Cincinnati, Chicago, and St. Louis Railway Company, *244 Ill.*, 220; Town of Concord *v.* Portsmouth Savings Bank, *92 U. S.*, 625.

Canal

The Illinois and Michigan Canal, or other canal or waterway owned by the State shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State at a general election, and have been approved by a majority of all the votes polled at such election. The General Assembly shall never loan the credit of the State or make appropriations from the treasury thereof, in aid of railroads or canals;

Provided, that any surplus earnings of any canal, waterway or water power may be appropriated or pledged for its enlargement, maintenance or extension; and,

Provided, further, that the General Assembly may, by suitable legislation, provide for the construction of a deep waterway or canal from the present water power plant of the Sanitary District of Chicago at or near Lockport, in the township of Lockport, in the county of Will, to a point in the Illinois river at or near Utica, which may be practical for a general plan and scheme of deep waterway along a route which may be deemed most advantageous for such plan of deep waterway; and for the erection, equipment and maintenance of power plants, locks, bridges, dams and appliances sufficient and suitable for the development and utilization of the water power thereof; and authorize the issue, from time to time, of bonds of this State in a total amount not to exceed twenty million dollars, which shall draw interest, payable semi-annually, at a rate not to exceed four per cent per annum, the proceeds whereof may be applied as the General Assembly may provide, in the construction of said waterway and in the erection, equipment and maintenance of said power plants, locks, bridges, dams and appliances.

All power developed from said waterway may be leased in part or in whole, as the General Assembly may by law provide, but in the event of any lease being so executed, the rental specified therein for water power shall be subject to a revaluation each ten years of the term created, and the income therefrom shall be paid into the treasury of the State.[10]

[10] As amended by the seventh amendment to the constitution. The amendment was proposed by a resolution of the general assembly in 1907. It was ratified by the voters on November 3, 1908, and proclaimed adopted on November 24, 1908. The original section was as follows:

"The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election.

"The General Assembly shall never loan the credit of the State or make appropriations from the treasury thereof, in aid of railroads

Burke *v.* Snively *et al.*, *208 Ill.*, 328; Hubbard *v.* Dunne *et al.*, *276 Ill.*, 598.

Convict Labor [11]

Hereafter it shall be unlawful for the Commissioners of any Penitentiary, or other reformatory institution in the State of Illinois, to let by contract to any person, or persons, or corporations, the labor of any convict confined within said institution.[12]

SCHEDULE

That no inconvenience may arise from the alterations and amendments made in the constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this State, individuals, or bodies corporate, shall continue to be as valid as if this Constitution had not been adopted.

City of Bloomington *v.* Pollock, *141 Ill.*, 346.

SECTION 2. That all fines, taxes, penalties and forfeitures, due and owing to the State of Illinois under the present constitution and laws, shall inure to the use of the people of the State of Illinois, under this Constitution.

SECTION 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Illinois, to any State or county officer or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the Constitution of this State.

or canals: *Provided*, that any surplus earnings of any canal may be appropriated for its enlargement or extension."

[11] The original amendment contains no title.

[12] The separate section relating to convict labor was added as the fourth amendment to the constitution. The amendment was proposed by resolution of the general assembly in 1885. It was ratified by the voters on November 2, 1886, and proclaimed adopted on November 22, 1886.

SECTION 4. County courts for the transaction of county business in counties not having adopted township organization, shall continue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this Constitution, is organized in pursuance of an act of the General Assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by general law.

Blake *et al. v.* Peckham, *64 Ill.*, 362; Shaw *et al. v.* Hill *et al.*, *67 Ill.*, 455.

SECTION 5. All existing courts which are not in this Constitution specifically enumerated, shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

People *ex rel. v.* Common Council of the City of Aurora *et al.*, *84 Ill.*, 157.

SECTION 6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless by this Constitution it is otherwise directed.

People *ex rel. v.* Lippincott, *67 Ill.*, 333.

SECTION 7. On the day this Constitution is submitted to the people for ratification, an election shall be held for judges of the Supreme Court in the second, third, sixth and seventh judicial election districts designated in this Constitution, and for the election of three judges of the Circuit Court in the county of Cook, as provided for in the article of this Constitution relating to the Judiciary, at which election, every person entitled to vote, according to the terms of this Constitution, shall be allowed to vote, and the, election shall be otherwise conducted, returns made and certificates issued, in accordance with existing laws, except that no registry shall be required at said election: *Provided,* that at said election in the county of Cook no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for and against the adoption of this Constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any of said Supreme or Circuit Judges.

SECTION 8. This Constitution shall be submitted to the people of the State of Illinois for adoption or rejection, at an election to be held on the first Saturday in July in the year of our Lord one thousand eight hundred and seventy, and there shall be separately submitted at the same time, for adoption or rejection, sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads, in the article entitled "Corporations;" the article entitled "Counties;" the article entitled "Warehouses;" the question of requiring a three-fifths vote to remove a county seat; the section relating to the Illinois Central Railroad; the section in relation to minority representation; the section relating to municipal subscriptions to railroads or private corporations; and the section relating to the Canal. Every person entitled to vote under the provisions of this Constitution, as defined in the article in relation to "Suffrage" shall be entitled to vote for the adoption or rejection of this Constitution, and for or against the articles, sections and question aforesaid, separately submitted; and the said qualified electors shall vote at the usual places of voting, unless otherwise provided; and the said election shall be conducted, and returns thereof made according to the laws now in force regulating general elections, except that no registry shall be required at said election: *Provided, however,* that the polls shall be kept open for the reception of ballots until sunset of said day of election.

SECTION 9. The Secretary of State shall, at least twenty days before said election, cause to be delivered to the County Clerk of each county blank poll-books, tally lists and forms of return, and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the Secretary of State is, by law, required to be audited and paid; and the several county clerks shall, at least five days before said election, cause to be distributed to the board of election, in each election district in their respective counties, said blank poll-books, tally-lists, forms of return, and tickets

SECTION 10. At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET

For all the propositions on this ticket which are not cancelled with ink or pencil; and against all propositions which are so cancelled.

For the new Constitution.

For the sections relating to railroads in the article entitled "Corporations."

For the article entitled "Counties."

For the article entitled "Warehouses."

For a three-fifths vote to remove County Seats.

For the section relating to the Illinois Central Railroad.

For the section relating to Minority Representation.

For the section relating to Municipal Subscriptions to Railroads or Private Corporations.

For the section relating to the Canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and returns thereof shall be made accordingly by the judges of election.

SECTION 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this Constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks, as is now provided by law, to the Secretary of State, within twenty days after the election; and the returns of the said votes shall, within five days thereafter, be examined and canvassed by the Auditor, Treasurer and Secretary of State, or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor, forthwith, of the result of the canvass.

SECTION 12. If it shall appear that a majority of the votes polled are "For the New Constitution," then so much of this Constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois, on and after Monday the eighth day of August, in the year of our Lord one thousand eight hundred and seventy; but if it shall appear that a majority of the votes polled were "Against the New Constitution," then so much thereof as was not separately

submitted to be voted on by articles and sections, shall be null and void.

If it shall appear that a majority of the votes polled, are "for the sections relating to Railroads in the article entitled "Corporations"; sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to Railroads in the said article, shall be a part of the Constitution of this State; but if a majority of said votes are against such sections, they shall be null and void. If a majority of the votes polled are for the article entitled "Counties," such article shall be part of the Constitution of this State and shall be substituted for article seven, in the present Constitution entitled "Counties"; but if a majority of said votes are against such article, the same shall be null and void. If a majority of the votes polled are "for the article entitled "Warehouses," such article shall be part of the Constitution of this State, but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively, to the "Illinois Central Railroad," "Minority Representation," "Municipal Subscriptions to Railroads or Private Corporations," and the "Canal," then such of said sections as shall receive such majority shall be a part of the Constitution of this State; but each of said sections so separately submitted against which, respectively, there shall be a majority of the votes polled, shall be null and void: *Provided,* that the section relating to "Minority Representation," shall not be declared adopted unless the portion of the Constitution not separately submitted to be voted on by articles and sections shall be adopted, and in case said section relating to "Minority Representation" shall become a portion of the Constitution, it shall be substituted for sections seven and eight of the Legislative Article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county seat, then the words "a majority" shall be stricken out of section four of the Article on Counties, and the words "three-fifths" shall be inserted in lieu thereof; and the following words shall be added to said section, to-wit: "But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." If the foregoing proposition shall

not receive a majority of the votes, as aforesaid, then the same shall have no effect whatever.

SECTION 13. Immediately after the adoption of this Constitution, the Governor and Secretary of State shall proceed to ascertain and fix the apportionment of the State for members of the first House of Representatives under this Constitution. The apportionment shall be based upon the Federal census of the year of our Lord one thousand eight hundred and seventy of the State of Illinois, and shall be made strictly in accordance with the rules and principles announced in the article on the Legislative Department of this Constitution: *Provided,* that in case the Federal census aforesaid can not be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The Governor shall, on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of the said apportionment, under the great seal of the State; and one hundred copies thereof, duly certified, shall be forthwith transmitted by the Secretary of State to each county clerk for distribution.

SECTION 14. The districts shall be regularly numbered, by the Secretary of State, commencing with Alexander County as Number One, and proceeding then northwardly through the State, and terminating with the county of Cook; but no county shall be numbered as more than one district, except the county of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first House of Representatives under this Constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

SECTION 15. The Senate, at its first session under this Consti-

tution, shall consist of fifty members, to be chosen as follows: At the General Election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two Senators shall be elected in districts where the term of Senators expire on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one Senator shall be elected. Senators so elected shall hold their office two years.

SECTION 16. The General Assembly, at its first session held after the adoption of this Constitution, shall proceed to apportion the State for members of the Senate and House of Representatives, in accordance with the provisions of the article on the Legislative Department.

SECTION 17. When this constitution shall be ratified by the people, the Governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties of this State, or in case of vacancies, to the coroners, for the election of all the officers, the time of whose election is fixed by this constitution or schedule, and it shall be the duty of said sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

SECTION 18. All laws of the State of Illinois, and all official writings, and the Executive, Legislative and Judicial proceedings, shall be conducted, preserved and published in no other than the English language.

City of Chicago *et al. v.* McCoy, *136 Ill.*, 344; Stein *et al. v.* Meyers, *253 Ill.*, 199; Loehde *v.* Glos, *265 Ill.*, 401; People *ex rel. v.* Day, *277 Ill.*, 543.

SECTION 19. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

SECTION 20. The circuit clerks of the different counties having a population over sixty thousand, shall continue to be Recorders (ex officio) for their respective counties, under this constitution, until the expiration of their respective terms.

SECTION 21. The judges of all courts of record in Cook county shall, in lieu of any salary provided for in this Constitution, re-

ceive the compensation now provided by law until the adjournment of the first session of the General Assembly after the adoption of this Constitution.

People *ex rel. v.* Auditor of Public Accounts, *64 Ill.*, 82.

SECTION 22. The present judge of the circuit court of Cook county shall continue to hold the circuit court of Lake county until otherwise provided by law.

SECTION 23. When this constitution shall be adopted, and take effect as the supreme law of the State of Illinois, the two-mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property, in addition to all other taxes, as set forth in article fifteen of the now existing constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

SECTION 24. Nothing contained in this Constitution shall be so construed as to deprive the General Assembly of power to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city shall have voted and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand and eight hundred and sixty-nine: *Provided,* that no such indebtedness, so created, shall, in any part thereof be paid by the State, or from any State revenue tax or fund, but the same shall be paid, if at all, by the said city of Quincy alone, and by taxes to be levied upon the taxable property thereof; *and provided, further,* that the General Assembly shall have no power in the premises, that it could not exercise under the present constitution of this State.

See separate section relating to municipal subscriptions to railroads or private corporations.

SECTION 25. In case this Constitution, and the articles and sections submitted separately, be adopted, the existing Constitution shall cease in all its provisions, and in case this Constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing constitution, if any, on the same subject shall remain in force.[13]

[13] In the original manuscript the word "force" appears "forced."

SECTION 26. The provisions of this constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately.[14]

Done in convention at the capitol, in the City of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the Independence of the United States of America the ninety-fourth.

IN WITNESS WHEREOF, We have hereunto subscribed our names:

CHARLES HITCHCOCK,
President

William J. Allen	Hiram H. Cody
John Abbott	W. F. Coolbaugh
James C. Allen	Alfred M. Craig
Elliott Anthony	Robert J. Cross
Wm. R. Archer	Samuel P. Cummings
Henry I. Atkins	G. S. Eldridge
James P. Bayne	James W. English
R. M. Benjamin	John Dement
H. P. H. Bromwell	David Ellis
O. H. Browning	Ferris Forman
William G. Bowman	Jesse C. Fox
Silas L. Bryan	Miles A. Fuller
H. P. Buxton	John P. Gamble
Daniel Cameron	Addison Goodell
William Carey	John C. Haines
Lawrence S. Church	Elijah M. Haines

[14] In the original manuscript immediately after section 26 the following appears:

"NOTE.—The following named interlineations were made before the signing:

In section 9, bill of rights, fourth line, the words 'or district;'
In section 10, executive article, second line, the word 'all;'
In section 4, judicial article, first line, the words 'continued to;'
In section 11, same article, eighth line, the words 'times and;'
In section 11, revenue article, second line, the word 'corporation;'
In section 7, county article, first line, the word 'county;'
In section 8, article on corporations, fourth line, the word 'their;'
In section 20, schedule, second line, the words 'to be recorders.'"

John W. Hankins
R. P. Hanna
Joseph Hart
Abel Harwood
Milton Hay
Samuel Snowden Hayes
Jesse S. Hildrup
Robert A. King
Ja. McCoy
Charles E. McDowell
William C. Goodhue
Joseph Medill
Clifton H. Moore
Jonathan Merriam
Joseph Parker
Samuel C. Parks
Peleg S. Perley
J. S. Poage
Edward Y. Rice
James P. Robinson
Lewis W. Ross
William P. Peirce
N. J. Pillsbury
Jno. Scholfield
James M. Sharp
Henry Sherell
Wm. H. Snyder
O. C. Skinner
Westel W. Sedgwick
Charles F. Springer
John L. Tincher
C. Truesdale
Henry Tubbs
Thomas J. Turner
Wm. H. Underwood
Wm. L. Vandeventer
Henry W. Wells
George E. Wait
George W. Wall
R. B. Sutherland
D. C. Wayner
George R. Wendling
Chas. Wheaton
L. D. Whiting
John H. Wilson
Orlando H. Wright

Attest:

JOHN Q. HARMON, *Secretary*
DANIEL SHEPHERD, *First Assistant Secretary*
A. H. SWAIN, *Second Assistant Secretary*

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[1] The Constitution of 1870 contains five separate sections. Four of these separate sections were submitted and adopted at the same time as the complete constitution. The separate section relating to convict labor was adopted as an amendment to the constitution in 1886. Under the terms of section 12 of the schedule the separate section relating to minority representation, if adopted, was to be substituted for sections 7 and 8 of article IV.

While the original separate sections are not designated by numbers it has been deemed necessary for the purposes of this index, to number them. In this index the separate section relating to the Illinois Central railroad is designated as separate section 1; the separate section relating to minority representation is considered separate section 2; that relating to municipal subscriptions to railroads or private corporations is designated separate section 3; that relating to the canal as separate section 4; and that relating to convict labor as separate section 5.

In the text of the Constitution of 1870, as it appears in this volume, the separate section relating to minority representation, having been adopted, appears as sections 7 and 8 of article IV, and in this index all references concerning minority representation are made to sections 7 and 8 of article IV. But, since the section relating to minority representation, in the original document, appears as the second separate section, it was thought best, in dealing with the separate sections, to permit that section to be considered as separate section 2 and to designate the following separate section as separate section 3.

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